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HISTORY OF VITAL STATISTICS IN
MONTANA

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P R E F A C E

PREFACE

It has become apparent in past years that it would be most helpful and interesting to have some of the major facts regarding vital statistics in Montana set down in a single volume so that the information would be readily available. The event which was "the straw that broke the camel's back" and finally initiated the preparation of such a history was a request from the Social Security Administration in March of 1970 for the exact date that vital registration began in Montana. Earlier queries from other persons had been answered truthfully, if more or less vaguely, to the effect that central vital registration in Montana began in mid-1907. This information reflected the facts as shown by the records filed in this office; however, nowhere in the office files was it possible to locate a document which contained information as to the precise date the system was inaugurated.

As of 1970, no one in the Division of Records and Statistics had knowledge of any formal effort to produce a history of vital statistics in Montana. On reflection, it seemed reasonable that we should begin such a publication without further delay since sources of information may become obscured through the passage of time, and many persons still living who have personal knowledge of the vital statistics system in Montana are still available to contribute to the history and to revise it for possible misstatement of facts.

The procedure which we propose to follow is to get something going in each of the major areas of interest regarding vital statistics in Montana. Errors can be corrected as they are noted. With this in mind,

we intend to compile the history in loose-leaf form. After a suitable period of time and review by knowledgeable persons, production of a few copies of the history for interested persons may be warranted.

John C. Wilson
1971

ORIGIN

The French Legislature, in 1907 established a state bureau of vital statistics, which was placed under the supervision of the Secretary of the State Board of Health. The legislation provided for "the registration of births and deaths and other statistical matter relative to sanitary affairs . . ." It also provided for subregistrars and for payment of a fee of \$2.25 for each birth and death certificate filed. Section 20 of the Act provided that the Act would become effective after its passage and approval by the Governor, which approval was given February 20, 1907.

This legislation may have resulted, at least in part, from a plea for a vital statistics system contained in the 1906 report of the State Board of Health as follows:

"The very foundation of sanitary work is the study of vital statistics. In our sanitary work, we have had to depend on the vital statistics of other states. Our state has no law by which vital statistics can be obtained. This lack of vital statistics for our locality has resulted in much supposition and guesswork. The impression undoubtedly prevails in the minds of most of our citizens and even among many of the medical profession that contagious diseases are not as fatal in this state as they are in many of the eastern states. Another impression that seems to prevail is that pneumonia is more fatal in our state than it is in other states, especially those at a lower altitude. To attempt to change these

ideas without absolute figures would do no good whatever, but if we can show by absolutely accurate data that these diseases are just as fatal in Montana as they are in any other state and that pneumonia is no more fatal in Montana than it is in Illinois or any other state, then the people will be more ready to comply with arrangements intended to prevent the spread of communicable diseases, and those who may be taken sick with pneumonia will not be frightened to death."

Thomas Tuttle, M.D., the first chairman of the Board had not waited for legislation to collect mortality data. An early report of the Board states:

"In 1905 the Secretary undertook to collect data regarding the deaths in this state. He had tried to secure this data from the physicians and had failed to accomplish any reliable results. This time he undertook to secure it from the undertakers. He wrote to every undertaker, every merchant who sold coffins, and to every man who made boxes to bury the dead in this state whose address he could secure and ask them to give him simple data regarding every dead body for which they furnished coffins or boxes. To send each of these men blank forms and depend on them to send in a report each month would have resulted in receiving reports from less than half of them. The only reliable method was to ask

them each month for a report, and this was done. As a result, we believe that more than 90% of the deaths that have occurred in this State during the last year have been reported, and we are thus enabled to refute the statement that communicable diseases are less fatal and that pneumonia is more fatal in Montana than they are in other states."

A later report of the State Board of Health states:

"The law providing for the registration of births and deaths went into practical effect in June, 1907.

At this time the various local registrars were appointed and supplied with the necessary blank forms, etc.

The rules and regulations adopted and promulgated for the enforcement of this law are among the rules and regulations of the State Board of Health."

The Second Biennial Report of the State Registrar of Births and Deaths issued for the years 1909 and 1910 comments on a problem which has continued to exist to this day. The report quotes from Section 1766 of the Revised Codes of Montana 1907 relative to the registration of births and deaths which provides in part as follows: ". . . and when it may appear necessary for the convenience of the people of any locality, the State Registrar is hereby authorized, with the approval of the State Board of Health, to appoint one or more suitable and proper persons to act as subregistrars, who shall be authorized to receive certificates, and to issue burial and removal permits in and for such portions of the county or district as may be designated in their appointments . . ."

The Biennial Report continues "This Section contemplates that there will not only not be any difficulty in securing persons to act as local registrars or subregistrars, but there will actually be applicants for such positions. As a matter of fact it is impossible to secure competent persons to act as registrars in isolated districts, and in order to perform the requirements of the law relative to the registration of births and deaths, it is absolutely necessary that we have competent registrars in such isolated districts."

Apparently the State Board of Health attempted to set up a vital registration process under the general powers accorded to the Board without specific legislation. It is also apparent that this system was not effective. The Second Biennial Report of the Montana State Board of Health opposite a tabulation showing births and deaths registered in the various County Clerk and Recorder's Offices during the year ending September 31, 1904, states:

"During the last 18 months the State Board of Health has made every effort within its power to secure a complete report of births and deaths in our state. We have written repeated letters to the jurisdictions of the state urging them to conform with the law in this important matter. We have presented the subject in our bulletins, we have published the opinions of the Attorney General with regard to the requirements of the law and the penalty for failures to report, and we have filed complaints against those failing to report in several counties. Our complaints have been pigeon-holed by various county attorneys and have thus

made it apparent that the law in this matter may be disregarded with impunity.

However, there would be little use in prosecuting as the chances are very largely in favor of acquittal by a jury. The jurymen will simply claim that they fully intended to make this report, and that it slipped their minds, and the jury would bring in a verdict of 'not guilty'.

The fact is, this quarterly report law is useless. It has been proven useless by other states and abandoned by many. Not a single state working under a law of this character has any record of births and deaths that are worth the paper they are written on."

The Session Laws of 1903 and 1905 do not contain any reference to a "Quarterly Report Law". It appears that the background material needed to understand the above comment by Dr. Tuttle has already disappeared.

Following is a list of counties in existence in 1907 and the date the first birth record was filed from each:

<u>County</u>	<u>Date Record Was Filed</u>
Beaverhead	6/05/07
Blaine	6/13/07
Broadwater	7/05/07
Carbon	6/03/07
Cascade	6/19/07
Chouteau	6/15/07
Custer	8/27/07
Dawson	6/13/07
Deer Lodge	6/01/07
Fergus	7/02/07
Flathead	6/15/07
Gallatin	6/18/07
Granite	6/25/07
Jefferson	6/01/07
Lewis & Clark	6/06/07
Madison	6/05/07
Meagher	7/23/07
Missoula	6/02/07
Park	5/27/07
Powell	6/03/07
Ravalli	6/01/07
Rosebud	6/11/07
Sanders	6/--/07
Silver Bow	6/01/07
Sweet Grass	5/25/07
Teton	7/10/07
Valley	6/13/07
Yellowstone	6/07/07

LEGISLATION

1872

The basis for the first vital statistics laws in Montana were those enacted in 1895 and the statewide vital statistics system in 1905 was the California Political Code enacted in 1872, a Xerox copy of which is reproduced below:

CHAPTER III.

REGISTRY OF BIRTHS, MARRIAGES, AND DEATHS.

- | | |
|---|--|
| § 3074. Bureau of vital statistics. State registrar, duty of. | § 3079. Fee of recorder and health officer. |
| § 3075. Statistician, appointment of. Term of office and salary of statistician. Assistants and clerks. | § 3080. State registrar to prepare blank forms and instructions. |
| § 3076. Registry of marriages performed. | § 3081. State registrar may require fee for information. |
| § 3077. Registry of births. | § 3082. Penalty for failure to perform duty. |
| § 3078. County recorder, duty of. Duty of health officer. | § 3083. State registrar to furnish copies of records. |
| | § 3084. Permit for burial (repealed). |

§ 3074. BUREAU OF VITAL STATISTICS. STATE REGISTRAR, DUTY OF. The state board of health shall maintain, at the city of Sacramento, a bureau of vital statistics for the complete and proper registration of births, marriages and deaths, for legal, sanitary and statistical purposes, which bureau shall be under the supervision of the secretary of the state board of health. The registrar shall be ex officio state registrar of vital statistics, and whose duty it shall be after consultation with the state board of health, to promulgate and enforce necessary rules and regulations that may be required to carry out the provisions of this chapter.

[Repealing clause.] Sec. 12. All acts and parts of acts in conflict herewith are repealed.

History: Enacted March 12, 1872; amended March 16, 1878, Code Am'ds. 1877-8, p. 60; March 18, 1905, Stats. and Am'ds. 1905, p. 103.

§ 3075. STATISTICIAN, APPOINTMENT OF. TERM OF OFFICE AND SALARY OF STATISTICIAN. ASSISTANTS AND CLERKS. The state board of health shall appoint a competent statistician to assist the state registrar of vital statistics and such clerical and professional assistants as may be required for the proper discharge of the duties of said registrar. Said statistician shall also be an assistant to the secretary of the state board of health.

The statistician so appointed shall hold office at the pleasure of the board and shall receive an annual salary of eighteen hundred dollars payable out of the general fund of the state from money not otherwise appropriated, at such time and in the manner in which state officers are paid.

The compensation for clerical and professional assistants shall be fixed by the board and shall be payable from its fund for contingent expenses provided in the general appropriation act.

[Repealing clause.] Sec. 12. All acts and parts of acts in conflict herewith are repealed.

History: Enacted March 12, 1872; amended March 18, 1905, Stats. and Am'ds. 1905, p. 104.

Applied, cited, construed, referred to, etc., in: 12x parte Keeney, 84 C. Pac. Rep. 31 (1880).

§ 3076. REGISTRY OF MARRIAGES PERFORMED. All persons performing the marriage ceremony in this state shall within three days after the ceremony file with the county recorder a certificate of registry of their performance by them in such form as may be prescribed by the state board of health, which shall contain among other matters as near as can be ascertained the place and date of marriage, sex, race, color, age, name and surname of the parties.

§ 3075
Am'd.
p. 163

14. **Art. ch. III. REGISTRY OF MARRIAGES - DUTY OF RECORDER, ETC. (743) §§ 3077, 3078**

idence of the parties married, number of marriage and condition of each, whether single, widowed, or divorced, the occupation of the parties, maiden name of the female, if previously married, the names and birthplace of the parents of each and the maiden name of the mother of each.

[Repealing clause.] See. 12. All acts and parts of acts in conflict specially repealed.

History: Enacted March 12, 1872; amended March 30, 1874, *Code Amts.* 1873-4, p. 42; March 18, 1905, *Stats. and Amts.* 1905, p. 104.

Registry of marriages.—See *KEENE'S CYC. CIV. CODE* §§ 73-77.

§ 3077. **REGISTRY OF BIRTHS.** Physicians, midwives, nurses and other persons assisting at a birth shall return in writing within five days thereafter to the county recorder of the county where such birth takes place in such form as may be prescribed by the state registrar a certificate of registry of such birth. Such shall contain among other matters, the time and place of such birth, the sex, race and color of the child, the name, residence, age, birthplace and occupation of the parents and the maiden name of the mother, and whether born in or out of wedlock, and such other information as may be required by the state registrar. Provided, however, that in cities having a freholders charter the health officer shall act as local registrar and perform all the duties thereof. In case the child is not named the recorder or registrar of such locality shall deliver to such parent, next of kin, physician, midwife or other person furnishing such certificate of birth a supplementary blank for report of given name, which shall be filled out and returned as soon as the child shall be named.

In case there shall be no physician, midwife, or nurse attending at such birth, then, it shall be the duty of the parents of any child born in this state (and if there be no parent alive, then the next of kin of said child) within five days after such birth to report in writing to the recorder of the county health officer of cities having a freholders charter where such birth takes place, in such form as may be prescribed by the state registrar, the date, place of residence, name, sex, race, and color of such child, and the names, residence, birthplace and age of the parents, their occupations, and the maiden name of the mother, and whether born in or out of wedlock, and such other information required by the state registrar.

[Repealing clause.] See. 12. All acts and parts of acts in conflict specially repealed.

History: Enacted March 12, 1872; amended March 16, 1878, *Code Amts.* 1877-8, p. 60; March 18, 1905, *Stats. and Amts.* 1905, pp. 104-105.

Repealed, cited, construed, referred to, etc., in: *Ex parte Keeney*, 84 Cal. 304, 309, 24 P. 34 (cited).

§ 3078. COUNTY RECORDER, DUTY OF. DUTY OF HEALTH OFFICER.

It shall be the duty of every county recorder to receive without fee each certificate of registry of marriage and birth; provided, however, that in cities having a freholders charter the health officer shall act as registrar for births, and shall receive, without fee or charge, each certificate of birth and enter the same in the same manner as provided for the county recorder. To enter the same in separate registers to be known as the "Register of Marriages," and the "Register of Births," in separate columns, properly

§ 3078
Am'd.
p. 163

headed, the various facts contained in the certificates and the name and office or clerical position of the person making the report. The recorder or health officer must carefully examine each report, and register the same marriage or birth but once, although it may be reported by different persons.

The certificates shall be numbered by him and entered in the order in which they are reported to him.

On or before the fifth day of each month each recorder, or health officer, shall transmit by United States mail, carefully inclosed in appropriate envelopes or wrappers, addressed to the state registrar at Sacramento, or shall personally deliver to him at his office in Sacramento, on or before the fifth day of each month, the original certificates of births and marriages filed with him during the preceding month, and shall accompany said certificates with a brief statement of the number of such certificates, and the dates of the receipt. The state registrar shall thereupon file said original certificates of marriage[s] and births, and cause the same to be separately and systematically indexed.

[Repealing clause.] Sec. 12. All acts and parts of acts in conflict herewith are repealed.

History: Enacted March 12, 1872; amended March 18, 1903, Stats. and Amdts. 1905, p. 105.

§ 3079. FEE OF RECORDER AND HEALTH OFFICER. For their services as required by section three thousand and seventy-eight of this code county recorders, or health officers of cities having a freeholders charter, in addition to their compensation for the other duties of their office, be allowed by the board of supervisors, ten cents for each name registered and reported to the state registrar, which sum shall be paid out of the general fund of the county upon warrants issued quarterly and signed by the county auditor, as approved by the state registrar, which warrants shall specify the number of certificates of marriages and births properly registered and filed with the state registrar.

[Repealing clause.] Sec. 12. All acts and parts of acts in conflict herewith are repealed.

History: Enacted March 12, 1872; amended March 16, 1878, Code Amdts. 1877-8, p. 60; March 18, 1903, Stats. and Amdts. 1905, pp. 105-106.

§ 3080. STATE REGISTRAR TO PREPARE BLANK FORM AND INSTRUCTIONS. The state registrar shall prepare a sample form and instructions for use in registering, recording and preserving the reports of marriages and births, and shall prepare and issue such detailed instructions as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration, and no other forms or blanks shall be used than those prescribed by the state registrar.

[Blanks to be furnished by supervisors.] Printed blanks in the form prescribed by the state registrar for the registration of marriages and births shall be furnished to each recorder or health officer by the board of supervisors of each county or city and county in sufficient quantities, and each recorder or health officer shall furnish without charge a sufficient number of copies to each applicant upon whom is imposed the duty of certifying to a marriage or

[Repealing clause.] Sec. 12. All acts and parts of acts in conflict specially repealed.

History: Enacted March 12, 1872; amended March 18, 1905, Stats. and Amdts. 1905, p. 106.

§ 3081. **STATE REGISTRAR MAY REQUIRE FURTHER INFORMATION.** The state registrar shall carefully examine the certificates of marriages and births received monthly from the county recorders or health officers, and if any such are incomplete or unsatisfactory, he shall require such further information to be furnished as may be necessary to make the record satisfactory.

All physicians, clergymen, judges, midwives, nurses, parents, or other persons upon whom the duty is imposed of certifying to marriages or births, and all other persons having knowledge of the facts, are required to furnish such information as they may possess regarding any marriage or birth upon demand of the state registrar, in person by mail or through the local recorder.

Whenever it may be alleged that the facts are not correctly stated in any certificate of marriage or birth theretofore registered, the county recorder shall require a deposition under oath to be made by the person asserting the fact, to be supported by the depositions of two or more credible persons having knowledge of the facts, setting forth the change necessary to make the record correct. Having received such depositions, he shall file them and shall then draw a line through the incorrect statement or statements in the certificate, blotting out or erasing them, and make the necessary corrections, noting on the margin of the certificate his authority for so doing, and transmit the depositions attached to the original certificate, when making his regular monthly reports to the state registrar. If the correction relates to a certificate previously returned to the state registrar, he shall transmit the deposition forthwith to the state registrar. If the correction is first made upon the original certificate on file in the state bureau of vital statistics, the state registrar shall immediately transmit a certified copy of the original certificate, noted as above, to the county recorder, who shall thereupon substitute a certified copy for the copy of the certificate in his records. All such corrections and marginal notes referring to them shall be legibly written in ink, or printed.

[Repealing clause.] Sec. 12. All acts and parts of acts in conflict specially repealed.

History: Enacted March 12, 1872; amended March 16, 1878, Code Amdts. 1877-8, pp. 60-61; March 18, 1905, Stats. and Amdts. 1905, pp. 106-107.

§ 3082. **PENALTY FOR FAILURE TO PERFORM DUTY.** Any officer or person upon whom a duty is imposed under this chapter who fails, neglects or refuses to perform any of the duties imposed upon him under this chapter or the instructions and directions of the state registrar shall be deemed guilty of a misdemeanor and upon conviction shall be punished in the same manner as other misdemeanors provided in the Penal Code.

[Repealing clause.] Sec. 12. All acts and parts of acts in conflict specially

History: Enacted March 12, 1872; amended March 18, 1905, Stats. and Amdts. 1905, p. 107.

§ 3083-3094 (740)

COPY OF RECORDS—BODIES FOR DISSECTION.

1911

§ 3083
Am'd.
p. 164

§ 3083. STATE REGISTRAR TO FURNISH CERTIFIED COPIES OF RECORDS. The state registrar shall upon request furnish any applicant a certified copy of the record of any marriage or birth registered under the provisions of this chapter, for the making and certification of which he shall be entitled to a fee of fifty cents to be paid by the applicant. Any such copy of the record of a marriage or birth when properly certified by the registrar to be a true copy thereof shall be

Prima facie evidence in all courts and places of the facts therein stated. For any search of the files and records when no certified copy is made, the state registrar shall be entitled to a fee of fifty cents for each hour or fractional hour of time of search to be paid by the applicant. And the registrar shall keep a true and correct account of all fees by him received under these provisions and shall deposit all fees with the state treasurer.

[Repealing clause.] Sec. 12. All acts and parts of acts in conflict herewith are repealed.

History: Enacted March 16, 1875, Code Amdts. 1877-8, p. 61; amended March 18, 1905, Stats. and Amdts. 1905, p. 107.

§ 3084. PERMIT FOR BURIAL (repealed).

History: Enacted March 10, 1885, Stats. and Amdts. 1885, p. 55; amended February 25, 1889, Stats. and Amdts. 1889, pp. 36-37; repealed March 18, 1905, Stats. and Amdts. 1905, p. 107.

1. Applied, cited, construed, referred to.
2. Duty and liability of officer.

1. Applied, cited, construed, referred to, etc., in: Ex parte Keeney, 84 Cal. 306, 309, 210, 24 Pac. Rep. 34 (cited).

2. Duty and liability of officer.—Before issuing his permit it is duty of officer to demand, receive, and file proper certificate

of death prescribed by statute. If receipt it is equally his duty to file. For violation of his duty in any of these respects he is liable to be proceeded against for removal from office under proper statute, and is punishable as misdemeanor under § 273 of Penal Code. Ex parte Keeney, 84 Cal. 304, 310, 24 Pac. Rep. 34.

1895 The first state laws in Montana affecting vital registration were enacted in 1895. These were Sections 2870-2875 of Chapter II. of the 1895 Political Code. These laws provided for registries of births, deaths, and marriages and described the duties of the county clerk in maintaining these registries.

CHAPTER II.

REGISTRY OF BIRTHS, DEATHS AND MARRIAGES.

- Section 2870. *Registry of marriages.*
 " 2871. *Registry of births.*
 " 2872. *Registry of deaths.*
 " 2873. *Registry of births and deaths.*
 " 2874. *Same.*
 " 2875. *Duties of county clerk.*

§ 2870. All persons who perform the marriage ceremony must keep a registry of the time of each marriage so celebrated, the residence, the names in full, the place of birth, the age of each party, and whether either has ever been married.

§ 2871. All physicians and professional midwives must keep a registry of the time of each birth at which they assist professionally, the sex, race and color of the child, and the names and residence of the parents.

§ 2872. Physicians who attend deceased persons in their last illness, clergymen who officiate at a funeral, coroners who hold inquests, sextons and undertakers who bury deceased persons, must each keep a registry of the name, age, residence and time of death of such person.

§ 2873. All persons registering marriages, births or deaths must quarterly file with the county clerk a certified copy of their register. All such certificates must specify, as near as may be ascertained, the name in full, occupation, age, term of residence in the city or county, birth-place, condition, whether single or married, widow or widower, sex, race, color, last place of residence, and cause of death of all decedents.

§ 2874. If at any birth no physician or midwife attends, the parents must make the report.

§ 2875. The county clerk must keep separate registers, to be known as the "Register of Marriages," the "Register of Births," and the "Register of Deaths," in which the marriages, births and deaths certified to him must be numbered in the order in which they are reported to him. There must be stated in each register, in separate columns, properly headed, the various facts contained in the certificates, and the name and official or clerical position of the person making the report. The county clerk must carefully examine each report, and register the same marriage, birth or death but once, although it may be reported by different persons.

1907

The first provision for a 10-yearly vital statistics, enacted in 1907. It is interesting that Montana has always been a leader in following model national recommendations on vital registration legislation. The first official Model Law was released in 1907 and the first Montana vital statistics laws reflect it.

Following are Xerox copies of the original vital statistics law which was enacted February 20, 1907. Section numbers refer to the 1907 R.C.M.

CHAPTER III.
REGULATION FOR THE REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES.
ARTICLE I. GENERAL REGULATIONS.
II. STATE BUREAU OF VITAL STATISTICS.

ARTICLE I.

GENERAL REGULATIONS.

- Section 1758. *Registry of marriages.*
" 1759. *Registry of births.*
" 1760. *Registry of deaths.*
" 1761. *Registry of births and deaths.*
" 1762. *Same.*
" 1763. *Duties of county clerk.*

1758. (§ 2870.) *Registry of marriage.*—All persons who perform the marriage ceremony must keep a registry of the time of each marriage so celebrated, the residence, the names in full, the place of birth, the age of each party, and whether either has ever been before married.

1759. (§ 2871.) *Registry of births.*—All physicians and professional midwives must keep a registry of the time of each

birth at which they assist professionally, the sex, race and color of the child, and the names and residence of the parents.

1760. (§ 2872.) *Registry of deaths.*—Physicians who attend deceased persons in their last sickness, clergymen who officiate at a funeral, coroners who hold inquests, sextons and undertakers who bury deceased persons, must each keep a registry of the name, age, residence and time of death of such person.

1761. (§ 2873.) *Registry of births and deaths.*—All persons registering marriages, births or deaths must quarterly file with the county clerk a certified copy of their register. All such certificates must specify, as near as may be ascertained, the name in full, occupation, age, term of residence in the city or county, birth-place, condition, whether single or married, widow or widower, sex, race, color, last place of residence, and cause of death of all decedents.

1762. (§ 2874.) *Same.*—If at any birth no physician or midwife attends, the parents must make the report.

1763. (§ 2875.) *Duties of county clerk.*—The county clerk must keep separate registers, to be known as the "Register of Marriages," the "Register of Births," and the "Register of Deaths," in which the marriages, births and deaths certified to him must be numbered in the order in which they are reported to him. There must be stated in each register, in separate columns, properly headed, the various facts contained in the certificates, and the name and official or clerical position of the person making the report. The county clerk must carefully examine each report, and register the same marriage, birth or death but once, although it may be reported by different persons.

ARTICLE II.

STATE BUREAU OF VITAL STATISTICS.

Section 1764. *Creation of board.*

" 1765. *State registrar to make rules and regulations.*

" 1766. *Local registrars.*

" 1767. *Registration of births.*

" 1768. *Registration of deaths. Burial permits.*

" 1769. *Forms of registry certificates.*

" 1770. *Certificate of death. Burial permit.*

" 1771. *Same.*

" 1772. *Certificate of birth.*

" 1773. *Duty of sexton or persons in charge of cemetery.*

" 1774. *Duties of state registrar.*

" 1775. *Duties of local registrar.*

" 1776. *Fees for filing certificate of birth.*

" 1777. *Registration of physicians. Midwife and undertaker.*

" 1778. *Hospital records.*

Section 1779. Compensation of local registrar.

" 1780. Penalties.

" 1781. Registrars charged with duty of enforcing this Act.

1761. *Creation of Board.*—That for the complete and proper registration of births and deaths for legal, sanitary and statistical purposes, there shall be, and hereby is, established and created a State Bureau of Vital Statistics to be under the immediate superintendence of the secretary of the state board of health of Montana who shall be the State Registrar. [Act approved February 20, 1907, § 1.] (10th Sess. Chap. 25.)

1765. *State registrar to make rules and regulations.*—The state registrar is hereby empowered to make, promulgate, and enforce such rules and regulations as he may consider necessary with the approval of the majority of the members of the state board of health, to carry out the provisions of this Act. [Act approved February 20, 1907, § 2.] (10th Sess. Chap. 25.)

1766. *Local registrars.*—The health officer of each city or town shall be the local registrar in and for the city or town of which he is health officer, and he shall perform all the duties of local registrar as hereinafter provided. And when it may appear necessary for the convenience of the people of any locality, the state registrar is hereby authorized, with the approval of the state board of health, to appoint one or more suitable and proper persons to act as sub-registrars, who shall be authorized to receive certificates, and to issue burial and removal permits in and for such portions of the county or district as may be designated in their appointments, and they shall be subject to the same requirements and obligations as the local registrars, and shall make returns directly to the state registrar as hereinafter provided. [Act approved February 20, 1907, § 3.] (10th Sess. Chap. 25.)

1767. *Registration of births.*—That all births shall be registered in the district in which they occur as hereinafter provided. [Act approved February 20, 1907, § 4.] (10th Sess. Chap. 25.)

1768. *Registration of deaths. Burial permits.*—That the body of any person whose death occurs in the state shall not be interred, or otherwise disposed of, or removed from or into any registration district until a permit for a burial or removal shall have been properly issued by the registrar of the district in which the death occurs. And no such burial or removal permit shall be issued by any registrar until a complete and satisfactory certificate of death has been filed with him, as hereinafter provided. Stillborn children or those dead at birth, shall be registered as births and also as deaths, and a certificate of both the birth and death shall be filed in the usual manner. [Act approved February 20, 1907, § 5.] (10th Sess. Chap. 25.)

1769. *Forms of registry certificates.*—That the forms of certificates used in registering births and deaths under this Act shall be the standard form recommended by the Bureau of the Census and the American Public Health Association. [Act approved February 20, 1907, § 6.] (10th Sess. Chap. 25.)

1770. *Certificate of death. Burial permit.*—That the undertaker or person acting as undertaker, shall be responsible for obtaining and filing the certificate of death with the registrar, and securing a burial permit prior to any disposition of the body. He shall obtain the personal and statistical particulars required, from the person best qualified to supply them, and present the certificate to the attending physician for the medical certificate of the cause of death, and he shall then present the completed certificate to the registrar to secure the burial or removal permit. The undertaker shall deliver duplicate burial permit to the sexton, or person in charge of the place of burial, before interring the body. The medical certificate shall be made and signed by the attending physician, if any, last in attendance on the deceased, who shall specify the time in attendance, the time he last saw the deceased alive, and the hour of the day at which the death occurred. And the cause of death, and all other facts required, shall in all cases be stated in accordance with the rules and regulations of the state registrar. [Act approved February 20, 1907, § 7.] (10th Sess. Chap. 25.)

1771. *Same.*—In case of any death occurring without medical attendance, it shall be the duty of the undertaker to notify the registrar of such death, and when so notified, the registrar shall inform the local health officer or coroner and refer the case to him for immediate investigation and certification prior to issuing a burial permit. [Act approved February 20, 1907, § 8.] (10th Sess. Chap. 25.)

1772. *Certificate of birth.*—The certificate of birth shall be made and filed by the attending physician or midwife within ten days after the date of birth. And if there is no attending physician or mid-wife, then it shall be the duty of the father of the child, householder or owner of the premises, or the head of the hospital or institution in which the birth occurred, to make and file the certificate within ten days after birth. [Act approved February 20, 1907, § 9.] (10th Sess. Chap. 25.)

1773. *Duty of sexton or person in charge of cemetery.*—No sexton or person in charge of any cemetery in which interments are made shall inter or permit the interment of any body unless it is accompanied by a burial permit as herein provided. And he shall indorse upon one of the permits the date of interment, over his signature, and return all permits so indorsed to the local registrar of his district within ten days from the date of interment. He shall also keep a record of all interments made

in the premises under his charge, stating the name of the deceased person, place of death, date of burial, and name and address of the undertaker, which record shall at all times be open to public inspection. [Act approved February 20, 1907, § 10.] (10th Sess. Chap. 25.)

1774. *Duties of state registrar.*—The state registrar shall prepare, print, and supply to all registrars all blanks and forms used in registration, recording and preserving the returns or in otherwise carrying out the purposes of this act, and shall prepare and issue such rules and regulations as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration. He shall arrange, bind and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive and continuous card index of all births and deaths registered. He shall inform all registrars what diseases are to be considered as infectious, contagious or communicable, and dangerous to the public health, as decided by the state board of health, in order that when deaths occur from such diseases proper precautions may be taken to prevent the spreading of dangerous diseases. And he shall annually certify to the treasurer of the several counties the number of births and deaths registered, and the names of the local registrars, with the amounts due each at the rate fixed herein. [Act approved February 20, 1907, § 11.] (10th Sess. Chap. 25.)

1775. *Duties of local registrars.*—It shall be the duty of the local registrar or sub-registrar to supply blank forms of certificates to such persons as require them. And he shall carefully examine each certificate of birth or death when presented for record to see that it has been made out in accordance with the provisions of this act and the instructions of the state registrar and if any certificate of death is incomplete or unsatisfactory it shall be his duty to call the attention to the defect in the return and withhold issuing the burial permit until they are corrected. If the certificate of death is properly executed and complete, he shall then issue a burial or removal permit to the undertaker; *provided*, that in case the death occurred from some disease that is held by the state board of health to be infectious, contagious or communicable and dangerous to public health, no permit for the removal or other disposition of the body shall be granted by the registrar except under the conditions prescribed by the state and local boards of health. If a certificate of birth is incomplete he shall immediately notify the informant and require him to supply the missing items if they can be obtained. He shall then number consecutively the certificates of births and deaths in two separate series, beginning with "number one" for the first birth and the first death in the calendar year, and sign his name as registrar in attest of the date of filing in his office. He shall

also make a complete and accurate copy of each birth and death certificate registered by him, upon a form identical with the original certificate, to be filed and properly preserved in his office as the local record of such birth and death, in such manner as directed by the state registrar and he shall, on the fifth day of each month, transmit to the state registrar, all the original certificates registered by him during the preceding month. And if no births or no deaths occur in any month, he shall, on the fifth day of the following month, report that fact to the state registrar in such manner as the state registrar shall direct. [*Act approved February 20, 1907, § 12.*] (10th Sess. Chap. 25.)

1776. *Fees for filing certificate of birth.*—Each physician, midwife, father of child, householder or owner of premises manager or superintendent of public or private institution, or other person acting as informant and filing with the local registrar within ten days after the birth of a child a proper certificate correctly and legibly made out and containing all the items required by the provisions of this act and the rules and regulations of the state registrar shall be entitled to receive the sum of fifteen (15) cents, to be paid by the treasurer of the county upon certification by the state registrar. Only one certificate shall be received of the birth of the same child, and the order of right to file the certificate shall be the same as the order of responsibility for filing as herein given. Certificates in which certain items are missing shall not be regarded as complete and shall not be entitled to payment until the missing items have been supplied. And the state registrar shall annually certify to the treasurers of the several counties the number of births registered, with the name of the person registering them and the amounts due each at the rate fixed therein. [*Act approved February 20, 1907, § 13.*] (10th Sess. Chap. 25.)

1777. *Registration of physicians, midwife and undertaker.*—That every physician, midwife, and undertaker shall without delay register his or her name, address, and occupation with the local registrar of the district in which he or she resides, or may hereafter acquire residence, and shall thereupon be furnished by the registrar with a copy of this act, and such rules and regulations as may be prepared by the state registrar, relative to its enforcement. [*Act approved February 20, 1907, § 14.*] (10th Sess. Chap. 25.)

1778. *Hospital record.*—All superintendents or managers, or other persons in charge of hospitals or lying-in institutions, public or private, to which persons resort for treatment of disease, confinement, or are committed by process of law, are hereby required to make a record of all personal and statistical particulars relative to the inmates in their institutions at the date of the approval of this act, that are required in the form of certificate

herein provided for, as directed by the state registrar. And thereafter such records shall be made by them, for all future inmates, at the time of admission. [Act approved February 20, 1907, § 15.] (10th Sess. Chap. 25.)

1779. *Compensation of local registrar.*—That each local registrar or sub-registrar shall be entitled to be paid the sum of twenty-five (25) cents for each birth and each death certificate completely and properly made out and filed with him, to be paid by the treasurer of the county upon certification by the state registrar. He shall supply blank forms of certificate to such persons as require them, and shall carefully examine the certificates presented for record and require them to be properly made out. And he shall keep such records and make such returns to the state bureau as may be required by the rules and regulations of the state registrar. [Act approved February 20, 1907, § 16.] (10th Sess. Chap. 25.)

1780. *Penalties.*—That if any attending physician shall refuse or neglect to make the medical certificate of death herein required of him, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment in the county jail for not less than five days nor more than twenty-five days, or by both such fine and imprisonment in the discretion of the court. And if any physician shall wilfully and knowingly make a false certificate of the cause of death in any case, he shall be guilty of a misdemeanor, and, upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars or by imprisonment in the county jail for not less than twenty-five days nor more than one hundred days, or by both such fine and imprisonment in the discretion of the court. And any physician or midwife, or any other person with responsibility for reporting births, in the order named in § 1772 (9) of this act, who shall refuse or neglect to make out and file the certificate of birth herein required, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five dollars nor more than fifty dollars for each offense. And any sexton, undertaker, or other person who shall inter, remove or otherwise dispose of the body of any deceased person, without the permit herein provided for, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars. And any registrar or sub-registrar who shall neglect or fail to enforce the provisions of this act in his district, or shall refuse or neglect to perform any of the duties imposed upon him by this act or the rules and regulations of the state registrar, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dol-

lars. And any person or corporation who shall violate any of the provisions of this act, or any of the rules or regulations formulated thereunder by the state registrar, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars. [Act approved February 20, 1907, § 17.] (10th Sess. Chap. 25.)

1781. *Registrars charged with duty of enforcing this act.*—

Local registrars and sub-registrars are hereby charged with the strict and thorough enforcement of the provisions of this act in their districts under the supervision of the state registrar. And they shall make an immediate report to the state registrar of any violation of this law coming to their notice by observation or upon complaint of any person or otherwise. The state registrar is hereby charged with the thorough and efficient execution of the provisions of this act in every part of the state, and with supervisory power over local registrars, to the end that all requirements shall be uniformly complied with. He shall have authority to investigate cases of irregularity or violation of law, personally or by accredited representative, and all registrars shall aid him upon request, in such investigations. When he shall deem it necessary he shall report cases of violation of any of the provisions of this act to the prosecuting attorney of the proper county, with the statement of the facts and circumstances, and when any such case is reported to them by the state registrar all prosecuting attorneys or officials acting in such capacity shall forthwith institute and promptly follow up the necessary court proceedings against the parties responsible for the alleged violation of law. And upon request of the state registrar the attorney general shall likewise assist in the enforcement of this act. [Act approved February 20, 1907, § 18.] (10th Sess. Chap. 25.)

LEGISLATION

1909 Section 1770 of the 1907 R.C.M. was amended to provide that the attending physician must certify the cause of death without delay and specified that failure to do this would make him guilty of a misdemeanor.

§ 1770. Death Certificates and Burial Permits.

That the undertaker or person acting as undertaker, shall be responsible for obtaining and filing the certificate of death with the registrar, and securing a burial permit prior to any disposition of the body. He shall obtain the personal and statistical particulars required, from the person best qualified to supply them, and present the certificate to the attending physician for the medical certificate of the cause of death, and said attending physician shall, upon such certificate coming to his notice, forthwith, and without delay, make his certificate of the cause of death, and said undertaker shall then present the completed certificate to the registrar to secure the burial or removal permit. The undertaker shall deliver duplicate burial permit to the sexton, or person in charge of the place of burial, before interring the body. The medical certificate shall be made and signed by the attending physician, if any, last in attendance on the deceased who shall specify the time in attendance, the time he last saw the deceased alive, and the hour of the day at which the death occurred. And the cause of death, and all other facts required shall in all cases be stated in accordance with the rules and regulations of the state registrar, and if any undertaker, attending physician or registrar, shall fail to perform any of the acts hereinabove prescribed, he shall be guilty of a misdemeanor. [Amendment approved March 3, 1909; Laws 1909, p. 56.]

§ 1787.

An attorney, who represents the board of stock commissioners, has a right to

appear in aid of a prosecution for the larceny of a steer. *State v. Biggs*, 45 Mont. 400, 403, 123 Pac. 410.

Following is an excerpt from the Session Laws of 1909 as enacted by the Eleventh Legislative Assembly.

CHAPTER 48.

"An Act to Amend Section 1770, of the Revised Codes of Montana of 1907, Relating to the Burial of Dead Bodies, and Prescribing the Duty of the Attending Physician in Making Certificate of the Cause of Death."

Be it enacted by the Legislative Assembly of the State of Montana:

Revised Codes
of 1907.
Section 1770
amended.

Section 1. That Section 1770, of the Revised Codes of Montana, of 1907, shall be, and hereby is, amended so as to read as follows:

Undertakers,
duties of in
securing burial
permits.

Section 1770. That the undertaker or person acting as undertaker, shall be responsible for obtaining and filing the certificate of death with the registrar, and securing a burial permit prior to any disposition of the body. He shall obtain the personal and statistical particulars required, from the person best qualified to supply them, and present the certificate to the attending physician for the medical certificate of the cause of death, and said attending physician shall, upon such certificate coming to his notice, forthwith, and without delay, make his certificate of the cause of death, and

To obtain cer-
tificate from
attending
physician.

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said undertaker shall then present the completed certificate to the registrar to secure the burial or removal permit. The undertaker shall deliver duplicate burial permit to the sexton, or person in charge of the place of burial, before interring the body. The medical certificate shall be made and signed by the attending physician, if any, last in attendance on the deceased, who shall specify the time in attendance, the time he last saw the deceased alive, and the hour of the day at which the death occurred. And the cause of death, and all other facts required shall in all cases be stated in accordance with the rules and regulations of the state registrar, and if any undertaker, attending physician or registrar shall fail to perform any of the acts hereinabove prescribed, he shall be guilty of a misdemeanor.

Duties of
attending
physician.

Medical
certificate,
what to contain.

Misdemeanor.

Section 2. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 3. This Act shall be in full force and effect from and after its passage and approval.

Approved March 3, 1909.

LEGISLATION.

1911 Section 1760 of the 1907 R.C.M. was amended by adding a paragraph which specified that a justice of the peace was required to act as local registrar for the district in which he resided when called upon to do so by the state registrar.

VITAL STATISTICS.

§ 1760. Vital Certificates—Local Registrars.

The health officer of each city or town shall be the local registrar in and for the city or town of which he is health officer, and he shall perform all the duties of local registrar as hereinafter provided. And when it may appear necessary for the convenience of the people of any locality, the state registrar is hereby authorized, with the approval of the state board of health, to appoint one or more suitable and proper persons to act as sub-registrars, who shall be authorized to receive certificates and to issue burial and removal permits in and for such portions of the county or district as may be designated in their appointments and they shall be subject to the same requirements, and obligations as the local registrars and shall make returns directly to the state registrar, as hereinafter provided.

And any justice of the peace of any township is hereby required to act as local registrar of births and deaths for the district in which he resides when called upon to do so by the state registrar of births and deaths. [Amendment approved February 23, 1911; Laws 1911, p. 69.]

LEGISLATION

Following is an excerpt from the Session Laws of 1911 as enacted by the Twelfth Legislative Assembly.

CHAPTER 39.

An Act to amend Section 1766 of the 1907 Revised Statutes of the State of Montana relative to Registration of Births and Deaths.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. That Section 1766 of the Revised Statutes of Montana be amended so as to read as follows:

Amending Section 1766, Revised Codes, 1907.

Section 1766. The health officer of each city or town shall be the local registrar in and for the city or town of which he is health officer, and he shall perform all the duties of local registrar as hereinafter provided. And when it may appear necessary for the convenience of the people of any locality, the State Registrar is hereby authorized, with the approval of the State Board of Health, to appoint one or more suitable and proper persons to act as sub-registrars, who shall be authorized to receive certificates and to issue burial and removal permits in and for such portions of the county or district as may be designated in their appointments and they shall be subject to the same requirements, and obligations as the local registrars and shall make returns directly to the State Registrar, as hereinafter provided.

The health officer of each city or town to be local registrar.

State registrar may appoint sub-registrars when.

Authority of sub-registrars.

Burial and removal permits.

And any Justice of the Peace of any township is hereby required to act as local registrar of births and deaths for the district in which he resides when called upon to do so by the State Registrar of Births and Deaths.

Justice of the peace: when to act as local registrar of births and deaths.

Section 2. All acts and parts of acts in conflict herewith are hereby repealed.

Repealing clause.

Section 3. This act shall be in full force and effect from and after its passage and approval.

Approved Feby. 23, 1911.

1919 A law was enacted which provided for the filing of copies of birth and death certificates with the county clerk.

CHAPTER 68.

"An Act Requiring Registrars and Sub-registrars of Births and Deaths to File Returns With County Clerks, and Providing for the Transcribing of Records of Births and Deaths."

Be it enacted by the Legislative Assembly of the State of Montana:

Local registrars of births and deaths must file duplicate returns.

Duty of county clerk.

Copies of returns to be prepared and transmitted to county clerk.

Fees for making copies.

How paid.

Certified copies of records.

Fees for certified copies.

Section 1. That every local registrar and sub-registrar of births and deaths, provided for by Section 1766 of the Revised Codes of Montana, in addition to sending to the State Registrar the returns required by law, must file duplicate returns with the county clerk in which said registrars are located, which returns so filed, must be entered by the county clerk in the respective registers of births and deaths, required by Section 1763 of the Revised Codes of Montana, 1907.

Section 2. That all local Registrars and sub-registrars in the State of Montana must within ninety days after the passage and approval of this Act, prepare copies of all the returns on file in their respective offices heretofore filed and entered in their offices, showing record of all births and deaths appearing in their respective records, and must send such copies of such returns to the county clerk of the county in which they are resident, and shall receive as a fee for preparing and sending such copies of such records, ten cents (10c) for each of such records, which sum shall be paid by the Board of County Commissioners on presentation of duly verified claim, showing the number of returns so certified and filed with the county clerk.

Section 3. Every county clerk is required to issue a certified copy of a record of birth or death upon demand of any such record on file in his office, and shall receive on behalf of the county as the fee for such certified copy, the sum of twenty-five cents (25c).

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Section 4. All Acts and parts of Acts in conflict herewith are hereby repealed.

Section 5. This Act shall take effect and be in force from and after its passage and approval.

Approved March 1, 1919.

LEGISLATION

1921

The codes of Montana were revised in 1921. For the most part the previous laws were simply carried forward with minor editorial changes. In Section 2520 the word "registry" was changed to "record", and the statement "and must promptly report such facts to the local registrar" was added.

Again in Section 2521 the words "and must promptly report such facts to the local registrar" was added.

Section 1761 of the 1907 Revised Codes of Montana was not carried forward into the 1921 revision. This omitted the requirement for a registry of births and deaths at the county level.

Section 2522 also was amended to require that reports be made to the local registrar.

Section 2523 omitted reference to a registry of marriages.

The remainder of the 1921 revision followed very closely the 1907 codes.

LEGISLATION

A Xerox copy of Chapter 195 as included in the 1921 Revised Codes of Montana follows:

CHAPTER 195.

STATE BUREAU OF VITAL STATISTICS—REGISTRATION OF BIRTHS AND DEATHS.

- Section 2515. State Bureau of Vital Statistics—Creation of.
2516. State Registrar to Make Rules and Regulations.
2517. Local Registrars—Vital Certificates.
2518. Local Registrars Must File Duplicate Returns With County Clerk—Duty of Clerk.
2519. Copies of Returns to Be Transmitted to County Clerk—Fees for Copies, How Paid.
2520. Registry of Births.
2521. Registry of Deaths.
2522. Same.
2523. Duties of County Clerk.
2524. Certified Copies of Records—Fees.
2525. Registration of Births.
2526. Registration of Deaths—Burial Permits.
2527. Forms of Registry Certificates.
2528. Death Certificates and Burial Permits.
2529. Same.
2530. Certificate of Birth.
2531. Duty of Sexton or Person in Charge of Cemetery.
2532. Duties of State Registrar.
2533. Duties of Local Registrars.
2534. Fees for Filing Certificate of Birth.
2535. Registration of Physicians, Midwife, and Undertaker.
2536. Hospital Record.
2537. Compensation of Local Registrar.
2538. Penalties.
2539. Registrars Charged With Duty of Enforcing This Act.

2515. State bureau of vital statistics—Creation of. For the complete and proper registration of births and death for legal, sanitary, and statisti-

cal purposes, there shall be and hereby is established and created a state bureau of vital statistics, to be under the immediate superintendence of the secretary of the state board of health of Montana, who shall be the state registrar.

History: Sec. 1764, Rev. C. 1907. Cal. Pol. C. Sec. 3074.

Note.—Sections 2515 to 2517 and 2520 to 2539 were enacted as sections 1 to 18, chapter 23, Laws of 1907, appearing as sections 1761 to 1781 inclusive, Revised Codes 1907.

Constitutionality of statutes in relation to vital statistics, see note in 59 L. R. A. (N. S.) 1015.

Who is a physician or surgeon within meaning of statute in relation to vital statistics, see note in 8 A. L. R. 1070.

2516. State registrar to make rules and regulations. The state registrar is hereby empowered to make, promulgate, and enforce such rules and regulations as he may consider necessary, with the approval of the majority of the members of the state board of health, to carry out the provisions of this act.

History: En. Sec. 1765, Rev. C. 1907. See also history of Sec. 2515. Cal. Pol. C. Sec. 3074.

2517. Local registrars—Vital certificates. The health officer of each city or town shall be the local registrar in and for the city or town of which he is health officer, and he shall perform all the duties of local registrar as hereinafter provided. And when it may appear necessary for the convenience of the people of any locality, the state registrar is hereby authorized, with the approval of the state board of health, to appoint one or more suitable and proper persons to act as subregistrars, who shall be authorized to receive certificates and to issue burial and removal permits in and for such portions of the county or district as may be designated in their appointments, and they shall be subject to the same requirements and obligation as the local registrars, and shall make returns directly to the state registrar, as hereinafter provided.

And any justice of the peace of any township is hereby required to act as local registrar of births and deaths for the district in which he resides when called upon to do so by the state registrar of births and deaths.

History: Sec. 1766, Rev. C. 1907; amd. Sec. 1, Ch. 39, L. 1911. See also history of Sec. 2515.

2518. Local registrars must file duplicate returns with county clerk—Duty of clerk. That every local registrar and subregistrar of births and deaths provided for by the preceding section, in addition to sending to the state registrar the returns required by law, must file duplicate returns with the county clerk in which said registrars are located, which returns so filed must be entered by the county clerk in the respective registers of births and deaths kept by such officer.

History: En. Sec. 1, Ch. 68, L. 1919. changed by the code commissioner to conform to subsequent enactments.

2519. Copies of returns to be transmitted to county clerk—Fees for copies, how paid. That all local registrars and subregistrars in the state of Montana must, within ninety days after the passage and approval of this act, prepare copies of all the returns on file in their respective offices heretofore filed and entered in their offices, showing record of all births and deaths appearing in their respective records, and must send such

copies of such returns to the county clerk of the county in which they are resident, and shall receive as a fee for preparing and sending such copies of such records ten cents for each of such records, which sum shall be paid by the board of county commissioners on presentation of duly verified claim, showing the number of returns so certified and filed with the county clerk.

History: En. Sec. 2, Ch. 68, L. 1919.

2520. Registry of births. All physicians and professional midwives must keep a record of the time of each birth at which they assist professionally, the sex, race, and color of the child, and the names and residence of the parents, and must promptly report such facts to the local registrar.

History: En. Sec. 2871, Pol. C. 1895; changed by the code commissioner to conform to subsequent enactments.
re-en. Sec. 1759, Rev. C. 1907. See also history of Sec. 2515. Cal. Pol. C. Sec. 3077.

Note.—The above section has been changed by the code commissioner to conform to subsequent enactments.
Validity and construction of statute requiring registration of births and deaths, see note in Ann. Cas. 1912C, 686.

2521. Registry of deaths. Physicians who attend deceased persons in their last sickness, clergymen who officiate at a funeral, coroners who hold inquests, sextons and undertakers who bury deceased persons, must each keep a record of the name, age, residence, and time of death of such person and must promptly report such facts to the local registrar.

History: En. Sec. 2872, Pol. C. 1895; Note.—The above section has been changed by the code commissioner to conform to subsequent enactments.
re-en. Sec. 1760, Rev. C. 1907. See also history of Sec. 2515. Cal. Pol. C. Sec. 3077.

2522. Same. If at any birth no physician or midwife attends, the parents must make a report to the local registrar.

History: En. Sec. 2874, Pol. C. 1895; Note.—The above section has been changed by the code commissioner to conform to subsequent enactments.
re-en. Sec. 1762, Rev. C. 1907. See also history of Sec. 2515. Cal. Pol. C. Sec. 3077.

2523. Duties of county clerk. The county clerk must keep separate registers, to be known as the "Register of Births," and the "Register of Deaths," in which the births and deaths certified to him must be numbered in the order in which they are reported to him. There must be stated in each register, in separate columns, properly headed, the various facts contained in the certificates, and the name and official or clerical position of the person making the report. The county clerk must carefully examine each report, and register the same birth or death but once, although it may be reported by different persons.

History: En. Sec. 2875, Pol. C. 1895; Note.—The above section has been changed by the code commissioner to conform to subsequent enactments.
re-en. Sec. 1763, Rev. C. 1907. See also history of Sec. 2515. Cal. Pol. C. Sec. 3078.

2524. Certified copies of records—Fees. Every county clerk is required to issue a certified copy of a record of birth or death upon demand of any such record on file in his office, and shall receive on behalf of the county as the fee for such certified copy the sum of twenty-five cents.

History: En. Sec. 3, Ch. 68, L. 1919.

2525. Registration of births. All births shall be registered in the district in which they occur as hereinafter provided.

History: Sec. 1767, Rev. C. 1907. See also history of Sec. 2515.

2526. Registration of deaths—Burial permits. The body of any person whose death occurs in the state shall not be interred, or otherwise disposed of, or removed from or into any registration district, until a permit for a burial or removal shall have been properly issued by the registrar of the district in which the death occurs. And no such burial or removal permit shall be issued by any registrar until a complete and satisfactory certificate of death has been filed with him, as hereinafter provided. Still-born children, or those dead at birth, shall be registered as births and also as deaths, and a certificate of both the birth and death shall be filed in the usual manner.

History: Sec. 1768, Rev. C. 1907. See also history of Sec. 2515.

2527. Forms of registry certificates. The forms of certificates used in registering births and deaths under this act shall be the standard form recommended by the bureau of the census and the American public health association.

History: Sec. 1769, Rev. C. 1907. See also history of Sec. 2515.

2528. Death certificates and burial permits. The undertaker or person acting as undertaker shall be responsible for obtaining and filing the certificate of death with the registrar, and securing a burial permit prior to any disposition of the body. He shall obtain the personal and statistical particulars required, from the person best qualified to supply them, and present the certificate to the attending physician for the medical certificate of the cause of death, and said attending physician shall, upon such certificate coming to his notice, forthwith, and without delay, make his certificate of the cause of death, and said undertaker shall then present the completed certificate to the registrar to secure the burial or removal permit. The undertaker shall deliver duplicate burial permit to the sexton, or person in charge of the place of burial, before interring the body. The medical certificate shall be made and signed by the attending physician, if any, last in attendance on the deceased, who shall specify the time in attendance, the time he last saw deceased alive, and the hour of the day at which the death occurred. And the cause of death and all other facts required shall in all cases be stated in accordance with the rules and regulations of the state registrar, and if any undertaker, attending physician, or registrar shall fail to perform any of the acts hereinabove prescribed, he shall be guilty of a misdemeanor.

History: Sec. 1770, Rev. C. 1907; amd. Sec. 1, Ch. 48, L. 1909. See also history of Sec. 2515.

2529. Same. In case of any death occurring without medical attendance it shall be the duty of the undertaker to notify the registrar of such death, and when so notified, the registrar shall inform the local health officer or coroner, and refer the case to him for immediate investigation and certification prior to issuing a burial permit.

History: Sec. 1771, Rev. C. 1907. See also history of Sec. 2515.

2530. Certificate of birth. The certificate of birth shall be made and filed by the attending physician or midwife within ten days after the date of birth. And if there is no attending physician or midwife, then it shall be the duty of the father of the child, householder or owner of the premises, or the head of the hospital or institution in which the birth occurred to make and file the certificate within ten days after birth.

History: Sec. 1772, Rev. C. 1907. See also history of Sec. 2515.

2531. Duty of sexton or person in charge of cemetery. No sexton or person in charge of any cemetery in which interments are made shall inter or permit the interment of any body unless it is accompanied by a burial permit as herein provided. And he shall indorse upon one of the permits the date of interment, over his signature, and return all permits so indorsed to the local registrar of his district within ten days from the date of interment. He shall also keep a record of all interments made in the premises under his charge, stating the name of the deceased person, place of death, date of burial, and name and address of the undertaker, which record shall at all times be open to public inspection.

History: Sec. 1773, Rev. C. 1907. See also history of Sec. 2515.

2532. Duties of state registrar. The state registrar shall prepare, print, and supply to all registrars all blanks and forms used in registration, recording, and preserving the returns, or in otherwise carrying out the purposes of this act, and shall prepare and issue such rules and regulations as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration. He shall arrange, bind, and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive and continuous card-index of all births and deaths registered. He shall inform all registrars what diseases are to be considered as infectious, contagious, or communicable, and dangerous to the public health, as decided by the state board of health, in order that when deaths occur from such diseases proper precautions may be taken to prevent the spreading of dangerous diseases. And he shall annually certify to the treasurer of the several counties the number of births and deaths registered, and the names of the local registrars, with the amounts due each at the rate fixed herein.

History: Sec. 1774, Rev. C. 1907. See also history of Sec. 2515.

2533. Duties of local registrars. It shall be the duty of the local registrar or subregistrar to supply blank forms of certificates to such persons as require them. And he shall carefully examine each certificate of birth or death, when presented for record, to see that it has been made out in accordance with the provisions of this act and the instructions of the state registrar, and if any certificate of death is incomplete or unsatisfactory, it shall be his duty to call attention to the defect in the return, and withhold issuing the burial permit until they are corrected. If the certificate of death is properly executed and complete, he shall then issue a burial or removal permit to the undertaker; provided, that in case the death occurred from some disease that is held by the state board of health to be infectious, contagious, or communicable, and dangerous to public health, no permit for the removal or other disposition of the body shall be granted by the registrar except under the conditions prescribed by the

state and local boards of health. If a certificate of birth is incomplete, he shall immediately notify the informant and require him to supply the missing items if they can be obtained. He shall then number consecutively the certificates of births and deaths in two separate series, beginning with "number one" for the first birth and the first death in the calendar year, and sign his name as registrar in attestation of the date of filing in his office. He shall also make a complete and accurate copy of each birth and death certificate registered by him, upon a form identical with the original certificate, to be filed and properly preserved in his office as the local record of such birth and death, in such manner as directed by the state registrar, and he shall, on the fifth day of each month, transmit to the state registrar all the original certificates registered by him during the preceding month. And if no births or no deaths occur in any month, he shall, on the fifth day of the following month, report that fact to the state registrar in such manner as the state registrar shall direct.

History: Sec. 1776, Rev. C. 1907. See also history of Sec. 2515.

2534. Fees for filing certificate of birth. Each physician, midwife, father of child, householder, or owner of premises, manager or superintendent of public or private institution, or other person acting as informant and filing with the local registrar, within ten days after the birth of a child, a proper certificate correctly and legibly made out, and containing all the items required by the provisions of this act and the rules and regulations of the state registrar, shall be entitled to receive the sum of fifteen cents, to be paid by the treasurer of the county upon certification by the state registrar. Only one certificate shall be received of the birth of the same child, and the order of right to file the certificate shall be the same as the order of responsibility for filing as herein given. Certificates in which certain items are missing shall not be regarded as complete, and shall not be entitled to payment until the missing items have been supplied. And the state registrar shall annually certify to the treasurers of the several counties the number of births registered, with the name of the person registering them and the amounts due each at the rate fixed therein.

History: Sec. 1776, Rev. C. 1907. See also history of Sec. 2515.

2535. Registration of physicians, midwife, and undertaker. Every physician, midwife, and undertaker shall, without delay, register his or her name, address, and occupation with the local registrar of the district in which he or she resides, or may hereafter acquire residence, and shall thereupon be furnished by the registrar with a copy of this act, and such rules and regulations as may be prepared by the state registrar relative to its enforcement.

History: Sec. 1777, Rev. C. 1907. See also history of Sec. 2515.

2536. Hospital record. All superintendents or managers, or other persons in charge of hospitals or lying-in institutions, public or private, to which persons resort for treatment of disease, confinement, or are committed by process of law, are hereby required to make a record of all personal and statistical particulars relative to the inmates in their institutions at the date of the approval of this act, that are required in the form of certificate herein provided for, as directed by the state registrar. And

thereafter such records shall be made by them, for all future inmates, at the time of admission.

History: Sec. 1773, Rev. C. 1907. See also history of Sec. 2515.

2537. Compensation of local registrar. Each local registrar or sub-registrar shall be entitled to be paid the sum of twenty-five cents for each birth and each death certificate completely and properly made out and filed with him, to be paid by the treasurer of the county upon certification by the state registrar. He shall supply blank forms of certificate to such persons as require them, and shall carefully examine the certificates presented for record and require them to be properly made out. And he shall keep such records and make such returns to the state bureau as may be required by the rules and regulations of the state registrar.

History: Sec. 1779, Rev. C. 1907. See also history of Sec. 2515.

2538. Penalties. If any attending physician shall refuse or neglect to make the medical certificate of death herein required of him, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment in the county jail for not less than five days nor more than twenty-five days, or by both such fine and imprisonment in the discretion of the court. And if any physician shall wilfully and knowingly make a false certificate of the cause of death in any case, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the county jail for not less than twenty-five days nor more than one hundred days, or by both such fine and imprisonment in the discretion of the court. And any physician or midwife, or any other person with responsibility for reporting births, in the order named in section 2530 of this code, who shall refuse or neglect to make out and file the certificate of birth herein required, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars nor more than fifty dollars for each offense. And any sexton, undertaker, or other person who shall inter, remove, or otherwise dispose of the body of any deceased person, without the permit herein provided for, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars. And any registrar or subregistrar who shall neglect or fail to enforce the provisions of this act in his district, or shall refuse or neglect to perform any of the duties imposed upon him by this act or the rules and regulations of the state registrar, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars. And any person or corporation who shall violate any of the provisions of this act, or any of the rules or regulations formulated thereunder by the state registrar, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars.

History: Sec. 1780, Rev. C. 1907. See also history of Sec. 2515.

2539. Registrars charged with duty of enforcing this act. Local registrars and subregistrars are hereby charged with the strict and thorough enforcement of the provisions of this act in their districts, under the

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supervision of the state registrar. And they shall make an immediate report to the state registrar of any violation of this law coming to their notice by observation, or upon complaint of any person or otherwise. The state registrar is hereby charged with the thorough and efficient execution of the provisions of this act in every part of the state, and with supervisory power over local registrars, to the end that all requirements shall be uniformly complied with. He shall have authority to investigate cases of irregularity or violation of law, personally or by accredited representative, and all registrars shall aid him, upon request, in such investigations. When he shall deem it necessary, he shall report cases of violation of any of the provisions of this act to the prosecuting attorney of the proper county, with the statement of the facts and circumstances, and when any such case is reported to them by the state registrar, all prosecuting attorneys or officials acting in such capacity shall forthwith institute and promptly follow up the necessary court proceedings against the parties responsible for the alleged violation of law. And upon request of the state registrar, the attorney-general shall likewise assist in the enforcement of this act.

History: Sec. 1781, Rev. C. 1907. See also history of Sec. 2515.

The laws of Montana were revised again in 1907. The provisions of the vital statistics law in approximately the same as the 1902 Section 2519 (Copies of returns to be transmitted to county clerk - fees for copies, now paid) was omitted. In addition, a few provisions were changed. The 1905 R.C.M. version follows:

CHAPTER 233

STATE BUREAU OF VITAL STATISTICS—REGISTRATION OF BIRTHS AND DEATHS

- Section 2515. State bureau of vital statistics—creation of.
 2516. State registrar to make rules and regulations.
 2517. Local registrars.
 2518. Local registrars must file duplicate returns with county clerk—duty of clerk.
 2520. Registry of births.
 2521. Registry of deaths.
 2522. Parents to report births, when.
 2523. Duties of county clerk.
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 2525. Registration of births in district of occurrence.
 2526. Registration of deaths—burial permits.
 2527. Form of registry certificates.
 2528. Death certificates and burial permits.
 2529. When undertaker to notify registrar of deaths.
 2530. Certificate of birth.
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 2532. Duties of state registrar.
 2533. Duties of local registrars.
 2534. Fees for filing certificate of birth.
 2535. Registration of physicians, midwife, and undertaker.
 2536. Hospital record.
 2537. Compensation of local registrar.
 2538. Penalties.
 2539. Registrars charged with duty of enforcing act.

2515. State bureau of vital statistics—creation of. For the complete and proper registration of births and deaths for legal, sanitary, and statistical purposes, there shall be and hereby is established and created a state bureau of vital statistics, to be under the immediate superintendence of the secretary of the state board of health of Montana, who shall be the state registrar.

History: En. Sec. 1, Ch. 25, L. 1907; re-en. Sec. 1764, Rev. C. 1907; re-en. Sec. 2515, R. C. M. 1921. Cal. Pol. C. Sec. 3074.

2516. State registrar to make rules and regulations. The state registrar is hereby empowered to make, promulgate, and enforce such rules and regulations as he may consider necessary, with the approval of the majority of the members of the state board of health, to carry out the provisions of this act.

History: En. Sec. 2, Ch. 25, L. 1907; re-en. Sec. 1765, Rev. C. 1907; re-en. Sec. 2516, R. C. M. 1921. Cal. Pol. C. Sec. 3074.

2517. Local registrars. The health officer of each city or town shall be the local registrar in and for the city or town of which he is health officer, and he shall perform all the duties of local registrar as hereinafter provided. And when it may appear necessary for the convenience of the

people of any locality, the state registrar is hereby authorized, with the approval of the state board of health, to appoint one or more suitable and proper persons to act as subregistrars, who shall be authorized to receive certificates and to issue burial and removal permits in and for such portions of the county or district as may be designated in their appointments, and they shall be subject to the same requirements and obligations as the local registrars, and shall make returns directly to the state registrar, as hereinafter provided.

And any justice of the peace of any township is hereby required to act as local registrar of births and deaths for the district in which he resides when called upon to do so by the state registrar of births and deaths.

History: En. Sec. 3, Ch. 25, L. 1907; re-en. Sec. 1766, Rev. C. 1907; amd. Sec. 1, Ch. 39, L. 1911; re-en. Sec. 2517, R. C. M. 1921.

2518. Local registrars must file duplicate returns with county clerk—duty of clerk. That every local registrar and subregistrar of births and deaths provided for by the preceding section, in addition to sending to the state registrar the returns required by law, must file duplicate returns with the county clerk in which said registrars are located, which returns so filed must be entered by the county clerk in the respective registers of births and deaths kept by such officer.

History: En. Sec. 1, Ch. 68, L. 1919; re-en. Sec. 2518, R. C. M. 1921.

NOTE.—The above section has been changed by the code commissioner, 1921, to conform to subsequent enactments.

2519. Omitted.

2520. Registry of births. All physicians and professional midwives must keep a record of the time of each birth at which they assist professionally, the sex, race, and color of the child, and the names and residence of the parents, and must promptly report such facts to the local registrar.

History: En. Sec. 2871, Pol. C. 1895; re-en. Sec. 1759, Rev. C. 1907; re-en. Sec. 2520, R. C. M. 1921. Cal. Pol. C. Sec. 3677.

NOTE.—The above section has been changed by the code commissioner, 1921, to conform to subsequent enactments.

2521. Registry of deaths. Physicians who attend deceased persons in their last sickness, clergymen who officiate at a funeral, coroners who hold inquests, sextons and undertakers who bury deceased persons, must each keep a record of the name, age, residence, and time of death of such person and must promptly report such facts to the local registrar.

History: En. Sec. 2872, Pol. C. 1895; re-en. Sec. 1760, Rev. C. 1907; re-en. Sec. 2521, R. C. M. 1921.

NOTE.—The above section has been changed by the code commissioner, 1921, to conform to subsequent enactments.

2522. Parents to report births, when. If at any birth no physician or midwife attends, the parents must make a report to the local registrar.

History: En. Sec. 2874, Pol. C. 1895; re-en. Sec. 1762, Rev. C. 1907; re-en. Sec. 2522, R. C. M. 1921. Cal. Pol. C. Sec. 3677.

NOTE.—The above section has been changed by the code commissioner, 1921, to conform to subsequent enactments.

2523. Duties of county clerk. The county clerk must keep separate registers, to be known as the "register of births," and the "register of deaths," in which the births and deaths certified to him must be numbered in the order in which they are reported to him. There must be stated in each register, in separate columns, properly headed, the various facts

contained in the certificates, and the name and official or clerical position of the person making the report. The county clerk must carefully examine each report, and register the same birth or death but once, although it may be reported by different persons.

History: En. Sec. 2375, Pol. C. 1895; re-en. Sec. 1763, Rev. C. 1907; re-en. Sec. 2523, R. C. M. 1921. NOTE.—The above section has been changed by the code commissioner, 1921, to conform to subsequent enactments.

2524. Certified copies of records—fees. Every county clerk is required to issue a certified copy of a record of birth or death upon demand of any such record on file in his office, and shall receive on behalf of the county as the fee for such certified copy the sum of twenty-five cents.

History: En. Sec. 3, Ch. 68, L. 1919; re-en. Sec. 2524, R. C. M. 1921.

2525. Registration of births in district of occurrence. All births shall be registered in the district in which they occur as hereinafter provided.

History: En. as one of Secs. 1 to 18, Ch. 25, L. 1907; re-en. Sec. 1767, Rev. C. 1907; re-en. Sec. 2525, R. C. M. 1921.

2526. Registration of deaths—burial permits. The body of any person whose death occurs in the state shall not be interred, or otherwise disposed of, or removed from or into any registration district, until a permit for a burial or removal shall have been properly issued by the registrar of the district in which the death occurs. And no such burial or removal permit shall be issued by any registrar until a complete and satisfactory certificate of death has been filed with him, as hereinafter provided. Still-born children, or those dead at birth, shall be registered as births and also as deaths, and a certificate of both the birth and death shall be filed in the usual manner.

History: En. Sec. 5, Ch. 25, L. 1907; re-en. Sec. 1768, Rev. C. 1907; re-en. Sec. 2526, R. C. M. 1921.

2527. Forms of registry certificates. The forms of certificates used in registering births and deaths under this act shall be the standard form recommended by the bureau of the census and the American public health association.

History: En. Sec. 6, Ch. 25, L. 1907; re-en. Sec. 1769, Rev. C. 1907; re-en. Sec. 2527, R. C. M. 1921.

2528. Death certificates and burial permits. The undertaker or person acting as undertaker shall be responsible for obtaining and filing the certificate of death with the registrar, and securing a burial permit prior to any disposition of the body. He shall obtain the personal and statistical particulars required, from the person best qualified to supply them, and present the certificate to the attending physician for the medical certificate of the cause of death, and said attending physician shall, upon such certificate coming to his notice, forthwith, and without delay, make his certificate of the cause of death, and said undertaker shall then present the completed certificate to the registrar to secure the burial or removal permit. The undertaker shall deliver duplicate burial permit to the sexton, or person in charge of the place of burial, before interring the body. The medical certificate shall be made and signed by the attending physician, if any, last in attendance on the deceased, who shall specify the

time in attendance, the time he last saw deceased alive, and the hour of the day at which the death occurred. And the cause of death and all other facts required shall in all cases be stated in accordance with the rules and regulations of the state registrar, and if any undertaker, attending physician, or registrar shall fail to perform any of the acts hereinabove prescribed, he shall be guilty of a misdemeanor.

History: En. Sec. 7, Ch. 25, L. 1907; re-en. Sec. 1770, Rev. C. 1907; amd. Sec. 1, Ch. 48, L. 1909; re-en. Sec. 2523, R. C. M. 1921.

2529. When undertaker to notify registrar of deaths. In case of any death occurring without medical attendance it shall be the duty of the undertaker to notify the registrar of such death, and when so notified, the registrar shall inform the local health officer or coroner, and refer the case to him for immediate investigation and certification prior to issuing a burial permit.

History: En. Sec. 8, Ch. 25, L. 1907; re-en. Sec. 1771, Rev. C. 1907; re-en. Sec. 2529, R. C. M. 1921.

2530. Certificate of birth. The certificate of birth shall be made and filed by the attending physician or midwife within ten days after the date of birth. And if there is no attending physician or midwife, then it shall be the duty of the father of the child, householder or owner of the premises, or the head of the hospital or institution in which the birth occurred, to make and file the certificate within ten days after birth.

History: En. Sec. 9, Ch. 25, L. 1907; re-en. Sec. 1772, Rev. C. 1907; re-en. Sec. 2530, R. C. M. 1921.

2531. Duty of sexton or person in charge of cemetery. No sexton or person in charge of any cemetery in which interments are made shall inter or permit the interment of any body unless it is accompanied by a burial permit as herein provided. And he shall indorse upon one of the permits the date of interment, over his signature, and return all permits so indorsed to the local registrar of his district within ten days from the date of interment. He shall also keep a record of all interments made in the premises under his charge, stating the name of the deceased person, place of death, date of burial, and name and address of the undertaker, which record shall at all times be open to public inspection.

History: En. Sec. 10, Ch. 25, L. 1907; re-en. Sec. 1773, Rev. C. 1907; re-en. Sec. 2531, R. C. M. 1921.

2532. Duties of state registrar. The state registrar shall prepare, print, and supply to all registrars all blanks and forms used in registration, recording, and preserving the returns, or in otherwise carrying out the purposes of this act, and shall prepare and issue such rules and regulations as may be required to secure the uniform observance of its provisions and the maintenance of a perfect system of registration. He shall arrange, bind, and permanently preserve the certificates in a systematic manner, and shall prepare and maintain a comprehensive and continuous card-index of all births and deaths registered. He shall inform all registrars what diseases are to be considered as infectious, contagious, or communicable, and dangerous to the public health, as decided by the state board of health, in order that when deaths occur from such diseases proper precautions may be taken.

to prevent the spreading of dangerous diseases. And he shall annually certify to the treasurer of the several counties the number of births and deaths registered, and the names of the local registrars, with the amounts due each at the rate fixed herein.

History: En. Sec. 11, Ch. 25, L. 1907; re-en. Sec. 1774, Rev. C. 1907; re-en. Sec. 2532, R. C. M. 1921.

2533. Duties of local registrars. It shall be the duty of the local registrar or subregistrar to supply blank forms of certificates to such persons as require them. And he shall carefully examine each certificate of birth or death, when presented for record, to see that it has been made out in accordance with the provisions of this act and the instructions of the state registrar, and if any certificate of death is incomplete or unsatisfactory, it shall be his duty to call attention to the defect in the return, and withhold issuing the burial permit until they are corrected. If the certificate of death is properly executed and complete, he shall then issue a burial or removal permit to the undertaker; provided, that in case the death occurred from some disease that is held by the state board of health to be infectious, contagious, or communicable, and dangerous to public health, no permit for the removal or other disposition of the body shall be granted by the registrar except under the conditions prescribed by the state and local boards of health. If a certificate of birth is incomplete, he shall immediately notify the informant and require him to supply the missing items if they can be obtained. He shall then number consecutively the certificates of births and deaths in two separate series, beginning with "number one" for the first birth and the first death in the calendar year, and sign his name as registrar in attestation of the date of filing in his office. He shall also make a complete and accurate copy of each birth and death certificate registered by him, upon a form identical with the original certificate, to be filed and properly preserved in his office as the local record of such birth and death, in such manner as directed by the state registrar, and he shall, on the fifth day of each month, transmit to the state registrar all the original certificates registered by him during the preceding month. And if no births or no deaths occur in any month, he shall, on the fifth day of the following month, report that fact to the state registrar in such manner as the state registrar shall direct.

History: En. Sec. 12, Ch. 25, L. 1907; re-en. Sec. 1775, Rev. C. 1907; re-en. Sec. 2533, R. C. M. 1921.

2534. Fees for filing certificate of birth. Each physician, midwife, father of child, householder, or owner of premises, manager or superintendent of public or private institution, or other person acting as informant and filing with the local registrar, within ten days after the birth of a child, a proper certificate correctly and legibly made out, and containing all the items required by the provisions of this act and the rules and regulations of the state registrar, shall be entitled to receive the sum of fifteen cents, to be paid by the treasurer of the county upon certification by the state registrar. Only one certificate shall be received of the birth of the same child, and the order of right to file the certificate shall be the same as the order of responsibility for filing as herein given. Certifi-

certificates in which certain items are missing shall not be regarded as complete, and shall not be entitled to payment until the missing items have been supplied. And the state registrar shall annually certify to the treasurers of the several counties the number of births registered, with the name of the person registering them and the amounts due each at the rate fixed therein.

History: En. Sec. 13, Ch. 25, L. 1907; re-en. Sec. 1776, Rev. C. 1907; re-en. Sec. 2534, R. C. M. 1921.

2535. Registration of physicians, midwife, and undertaker. Every physician, midwife, and undertaker shall, without delay, register his or her name, address, and occupation with the local registrar of the district in which he or she resides, or may hereafter acquire residence, and shall thereupon be furnished by the registrar with a copy of this act, and such rules and regulations as may be prepared by the state registrar relative to its enforcement.

History: En. Sec. 14, Ch. 25, L. 1907; re-en. Sec. 1777, Rev. C. 1907; re-en. Sec. 2535, R. C. M. 1921.

2536. Hospital record. All superintendents or managers, or other persons in charge of hospitals or lying-in institutions, public or private, to which persons resort for treatment of disease, confinement, or are committed by process of law, are hereby required to make a record of all personal and statistical particulars relative to the inmates in their institutions at the date of the approval of this act, that are required in the form of certificate herein provided for, as directed by the state registrar. And thereafter such records shall be made by them, for all future inmates, at the time of admission.

History: En. Sec. 15, Ch. 25, L. 1907; re-en. Sec. 1778, Rev. C. 1907; re-en. Sec. 2536, R. C. M. 1921.

2537. Compensation of local registrar. Each local registrar or sub-registrar shall be entitled to be paid the sum of twenty-five cents for each birth and each death certificate completely and properly made out and filed with him, to be paid by the treasurer of the county upon certification by the state registrar. He shall supply blank forms of certificate to such persons as require them, and shall carefully examine the certificates presented for record and require them to be properly made out. And he shall keep such records and make such returns to the state bureau as may be required by the rules and regulations of the state registrar.

History: En. Sec. 16, Ch. 25, L. 1907; re-en. Sec. 1779, Rev. C. 1907; re-en. Sec. 2537, R. C. M. 1921.

2538. Penalties. If any attending physician shall refuse or neglect to make the medical certificate of death herein required of him, he shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than ten dollars nor more than fifty dollars, or by imprisonment in the county jail for not less than five days nor more than twenty-five days, or by both such fine and imprisonment in the discretion of the court. And if any physician shall wilfully and knowingly make a false certificate of the cause of death in any case, he shall be

guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than fifty dollars nor more than two hundred dollars, or by imprisonment in the county jail for not less than twenty-five days nor more than one hundred days, or by both such fine and imprisonment in the discretion of the court. And any physician or midwife, or any other person with responsibility for reporting births, in the order named in section 2530 of this code, who shall refuse or neglect to make out and file the certificate of birth herein required, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than five dollars nor more than fifty dollars for each offense. And any sexton, undertaker, or other person who shall inter, remove, or otherwise dispose of the body of any deceased person, without the permit herein provided for, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than one hundred dollars. And any registrar or subregistrar who shall neglect or fail to enforce the provisions of this act in his district, or shall refuse or neglect to perform any of the duties imposed upon him by this act or the rules and regulations of the state registrar, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars. And any person or corporation who shall violate any of the provisions of this act, or any of the rules or regulations formulated thereunder by the state registrar, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten dollars nor more than one hundred dollars.

History: En. Sec. 17, Ch. 25, L. 1907; re-en. Sec. 1760, Rev. C. 1907; re-en. Sec. 2538, R. C. M. 1921.

2539. Registrars charged with duty of enforcing act. Local registrars and subregistrars are hereby charged with the strict and thorough enforcement of the provisions of this act in their districts, under the supervision of the state registrar. And they shall make an immediate report to the state registrar of any violation of this law coming to their notice by observation, or upon complaint of any person or otherwise. The state registrar is hereby charged with the thorough and efficient execution of the provisions of this act in every part of the state, and with supervisory power over local registrars, to the end that all requirements shall be uniformly complied with. He shall have authority to investigate cases of irregularity or violation of law, personally or by accredited representative, and all registrars shall aid him, upon request, in such investigations. When he shall deem it necessary, he shall report cases of violation of any of the provisions of this act to the prosecuting attorney of the proper county, with the statement of the facts and circumstances, and when any such case is reported to them by the state registrar, all prosecuting attorneys or officials acting in such capacity shall forthwith institute and promptly follow up the necessary court proceedings against the parties responsible for the alleged violation of law. And upon request of the state registrar, the attorney general shall likewise assist in the enforcement of this act.

History: En. Sec. 18, Ch. 25, L. 1907; re-en. Sec. 1781, Rev. C. 1907; re-en. Sec. 2539, R. C. M. 1921.

Section 1. Definitions. As used in this act:

Definitions:
"Vital
statistics".

(1) "Vital statistics" includes the registration, preparation, and transcription, collection, compilation and preservation of data pertaining to births, adoptions, legitimations, deaths, stillbirths, marital status and data incidental thereto.

"Live birth".

(2) "Live birth" means the birth of a child who shows evidence of life after the child is entirely outside the mother.

"Stillbirth".

(3) "Stillbirth" means a birth after twenty (20) weeks of gestation which is not a live birth.

"Dead body".

(4) "Dead body" means lifeless human body or such parts of the human body or the bones thereof from the state of which it reasonably may be concluded that death recently occurred.

"Person in
charge of
interment".

(5) "Person in charge of interment" means any person who places or causes to be placed a stillborn child or

dead body or the ashes, after cremation, in a grave, vault, urn or other receptacle, or otherwise disposes thereof.

(6) "Physician" means a person legally authorized to practice medicine in this state.

"Physician".

(7) "Board" means state board of health.

"Board".

Section 2. Duties of State Board of Health. The state board of health shall:

(1) Establish a bureau of vital statistics with suitable offices properly equipped for the preservation of its official records;

Duties of
State Board
of Health.

(2) Install a statewide system of vital statistics;

(3) Make and may amend necessary regulations, give instructions and prescribe forms for collecting, transcribing, compiling and preserving vital statistics; and

(4) Enforce this act and the regulations made pursuant thereto.

Section 3. Publication of Regulations. The regulations of the board shall take effect after passage and approval by the board.

Publication
of
Regulations.

Section 4. Registration Districts. The board shall divide the state from time to time into registration districts which shall conform to political subdivisions, or combinations thereof, or of parts thereof.

Registration
Districts.

Section 5. Appointment of State Registrar: Qualifications; Compensation. The Board shall appoint a state registrar of vital statistics, who shall be qualified in accordance with standards of education and experience as the board shall determine and fix his compensation.

Appointment
of State
Registrar;
Qualifications;
compensation.

Section 6. Duties of State Registrar. The state registrar, under the supervision of the state health officer, shall have charge of the bureau of vital statistics and be the custodian of all its files and records, and perform the duties prescribed by the board. He shall enforce this act and the regulations of the board and have supervisory power over local registrars. He shall submit to the board a biennial report of the administration of this act.

Duties of
State
Registrar.

Section 7. Local Registrars and Deputies. The board on the recommendation of the state registrar shall appoint

Local Regis-
trars and
Deputies.

local registrars. A local registrar with the approval of the state registrar may appoint deputies. The local registrars shall immediately report to the state registrar violations of this act or the regulations of the board.

Other
employees.

Section 8. Other Employees. The board shall provide other necessary assistance and determine the status, compensation and duties of persons thus employed.

Compulsory
registration
of births.

Section 9. Compulsory Registration of Births. Within the time prescribed by the board a certificate of every birth shall be filed with the local registrar of the district in which the birth occurred, by the physician, midwife, or other legally authorized person in attendance at the birth; or if not so attended, by one of the parents.

Local Regis-
trar to
prepare
birth cer-
tificate.

Section 10. Local Registrar to Prepare Birth Certificate. If neither parent of the newborn child whose birth is unattended as above provided is able to prepare a birth certificate, the local registrar shall secure the necessary information from any person having knowledge of the birth and prepare and file the certificate. The board shall prescribe the time within which a supplementary report furnishing information omitted from the original certificate may be returned for the purpose of completing the certificate. Certificates of birth completed by the supplementary report shall not be considered "delayed" or "altered".

Section 11. Registration of Foundlings; Foundling Report.

Registra-
tion of
foundlings
—report.

(1) Whoever assumes the custody of a child of unknown parentage shall immediately report to the local registrar in writing: (a) the date and place of finding or assumption of custody; (b) sex; color or race; and approximate age of child; (c) name and address of the person or institution with whom the child has been placed for care, and (d) name given to the child by the finder or custodian.

(2) The place where the child was found or custody assumed shall be known as the place of birth and the date of birth shall be determined by approximation.

(3) The report shall constitute the certificate of birth.

(4) If the child is identified and a regular certificate

of birth is found or obtained, the report shall be sealed and filed and may be opened only by court order.

Section 12. Registration of Deaths and Stillbirths. A certificate of every death or stillbirth shall be filed with the local registrar of the district in which the death or stillbirth occurred within three (3) days after the occurrence is known; or if the place of death or stillbirth is not known then with the local registrar of the district in which the body is found within twenty-four (24) hours thereafter. In every instance a certificate shall be filed prior to interment or other disposition of the body.

Registration
of deaths
and still-
births.

Section 13. Death and Stillbirth Certificates.

(1) The person in charge of interment shall file, with the local registrar of the district in which the death or stillbirth occurred or the body was found a certificate of death or stillbirth within three (3) days after the occurrence.

Death and
stillbirth
certificates.

(2) In preparing a certificate of death or stillbirth the person in charge of interment shall obtain and enter on the certificate the personal data required by the board from the persons best qualified to supply them. He shall present the certificate of death to the physician last in attendance upon the deceased or to the coroner having jurisdiction who shall thereupon certify the cause of death according to his best knowledge and belief. He shall present the certificate of stillbirth to the physician, midwife or other person in attendance at the stillbirth, who shall certify the stillbirth and such medical data pertaining thereto as he can furnish.

Certificate
of stillbirth.

(3) Thereupon the funeral director or person in charge of interment shall notify the appropriate local registrar, if the death occurred without medical attendance, or the physician last in attendance fails to sign the death certificate. Then the local registrar may complete the certificate on the basis of information received from relatives of the deceased or others having knowledge of the facts. If the circumstances suggest that the death or stillbirth was caused by other than natural causes, the local registrar shall refer the case to the coroner for investigation and certification.

Reference
to coroner,
when.

Section 14. Delayed Determination of Cause of Death.

Delayed
determination
of cause of
death.

If the cause of death cannot be determined within three (3) days, the certification of its cause may be filed after the prescribed period, but the attending physician or coroner shall give to the registrar of the district in which death occurred, written notice of the reason for the delay, in order that a permit for the disposition of the body may be issued.

Form of
certificates.

Section 15. Form of Certificates. The forms of certificates shall include as a minimum the items required by the respective standard certificates as recommended by the United States bureau of the census subject to approval of and modification by the board. The form and use of such certificate shall be subject to the provisions of Section 23.

Certificates
of evidence.

Section 16. Certificates of Evidence. Certificates filed within six (6) months after the time prescribed therefor shall be prima facie evidence of the facts therein stated. Data therein pertaining to the father of a child are prima facie evidence only if the alleged father is the husband of the mother; if not, the data pertaining to the father of a child are not evidence in any proceeding adverse to the interests of the alleged father, or of his heirs, next of kin, devisees, legatees or other successors in interest, if the paternity is controverted.

Section 17. Certified Copies.

Certified
copies.

(1) Subject to the requirements of Sections 21, 22 and 23 the state registrar shall, upon request, furnish to any applicant a certified copy of any certificate, or any part thereof.

(2) Copies of the contents of any certificate on file in the bureau of vital statistics or any part thereof, certified by the state registrar shall be considered for all purposes the same as the original, subject to the requirements of Sections 21, 22 and 23.

Fees for
copies and
searches.

Section 18. Fees for Copies and Searches. The board shall prescribe the fees if any to be paid for certified copies of certificates, or for search of the files or records when no certified copy is made. Subject to Sections 21, 22 and 23, the United States bureau of the census may obtain transcripts, or without payment of fees, certified copies, provided the state is put to no expense in connection therewith.

Section 19. Accounting for Fees. The state registrar shall keep an account of all fees received and turn the same over to the state treasurer to be placed in general fund. The state registrar shall give a fidelity bond approved by the board in the penal amount of one thousand dollars (\$1,000.00).

Accounting
for fees

Section 20. Delayed or Altered Certificates. A person born in this state may file or amend a certificate after the time herein prescribed, upon submitting such proof as shall be required by the board or by any court.

Delayed or
altered
certificates.

Section 21. Delayed and Altered Certificates; Procedure.

(1) Certificates accepted subsequent to six (6) months after the time prescribed for filing, and certificates which have been altered after being filed with the state registrar, shall contain the date of the delayed filing and the date of the alteration and be marked "delayed" or "altered".

Delayed and
altered cer-
tificates;
procedure.

(2) A summary statement of the evidence submitted in support of the acceptance for delayed filing or alteration shall be endorsed on the certificate or on the back of the same.

(3) Such evidence shall be kept in a special permanent file.

Section 21-A. Court Procedure to Establish Date and Place of Birth and Parentage.

(1) Any person born in this state may petition any court of record of the county in which he resides or was born for an order establishing a public record of the time and place of his birth and his parentage. The petition shall be verified by him and shall allege the facts which he claims entitle him to such an order. The court shall fix the time and place of hearing the petition.

Court pro-
cedure to
establish
date and
place of
birth and
parentage.

(2) If the court is satisfied from the evidence received at the hearing of the truth of the allegations of the petition and of the facts as to the time and place of the petitioner's birth and of his parentage, and that he resides in the county or was born there, the court shall make and enter an order reciting the jurisdictional facts and determining the time and place of the petitioner's birth and

Order of
court.

the names of his parents, and any other facts deemed relevant by the court.

Recording.

(3) The order or a certified copy thereof may be recorded in the office of the county clerk of the county and in the office of the state bureau of vital statistics.

Order as evidence.

(4) The order, the record thereof, and certified copies of the order or of the records shall be evidence of the truth of their contents and be admissible as proof thereof at all times and places the same as certificates of birth mentioned in Section 16. From the records thus received from the court the state bureau of vital statistics shall make a transcript of the important facts and make a delayed birth certificate on a form prescribed by the board. A certified copy of this delayed birth certificate shall constitute prima facie proof of the facts recited in it.

Delayed birth certificate.

Delayed or altered certificates as evidence.

Section 22. Delayed or Altered Certificates as Evidence. The probative value of a "delayed" or "altered" certificate shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.

Section 23. Disclosure of Records.

Disclosure of records.

(1) The records and files of the bureau of vital statistics are open to inspection, subject to the provisions of this act and regulations of the board; but it is unlawful for any officer or employee of the state to disclose data contained in vital statistics records, except as authorized by this act and by the board.

Disclosure of illegitimacy upon court order.

(2) Disclosure of illegitimacy of birth or of information from which it can be ascertained, may be made only upon order of a court in a case where such information is necessary for the determination of personal or property rights and then only for such purpose.

Inspection of records permitted, when.

(3) The state registrar shall not permit inspection of the records or issue a certified copy of a certificate or part thereof unless he is satisfied that the applicant therefor has a direct and tangible interest in the matter recorded and that the information therein contained is necessary for the determination of personal or property rights. His decision shall be subject, however, to review by the board or a court under the limitations of this section.

(4) The board may permit the use of data contained in vital statistics records for research purposes, but no identifying use thereof shall be made.

(5) Subject to the provisions of this section the board may direct the state registrar to make a return upon the filing with him of birth, death and stillbirth certificates and of certain data shown thereon to federal, state or municipal agencies.

Section 24. In case of adoption of a person born in the State of Montana, it shall be the duty of the clerk of the district court to forward by the fifteenth of the following month a certified copy of the final order of adoption to the registrar of vital statistics of the state board of health. The state registrar upon receipt of the certified copy of the order of adoption shall prepare a substitute certificate in the new name of the adopted person, naming the true date and place of birth and sex of said adopted person and statistical particulars of the foster parents in place of the natural parents. The state registrar shall strike out the words "ATTENDANT'S OWN SIGNATURE" on the substitute record and insert in their stead the words "STATE REGISTRAR" and sign as such, and all dates of recording are to be left as on the original. And the state registrar shall make such a substitute birth certificate if furnished with a certified copy of adoption for any birth certificate now in his custody. The state registrar shall send copies of the substitute record to the local registrar and to the county clerk and recorder, to be substituted for the copies of the original record in their possession. The local registrar and the county clerk and recorder shall forthwith enter the substitute record in their files and shall forward immediately to the state registrar the copies of the original birth record to be sealed with the original record in the files of the state registrar. Such sealed documents may be opened by the state registrar only upon the demand of the adopted person if of legal age, or by order of a court of competent jurisdiction. Upon receipt of a certified copy of a court order of annulment of adoption, the state registrar shall restore the original certificate to its original place in the files.

Adoption,
duty of
Clerk of
Court.

Substitute
birth cer-
tificate.

Section 25. Legitimation. In cases of legitimation the state registrar upon receipt of proof thereof shall prepare

Legitimation.

a new certificate of birth in the new name of the legitimated child. The evidence upon which the new certificate is made and the original certificate shall be sealed and filed and may be opened only upon order of court. In substituting records in case of legitimation the same procedure shall be followed as provided in the section on adoptions.

Persons
required to
make records.

Section 26. Persons Required to Make Records. Persons in charge of institutions for care or correction or for treatment of disease, injury or childbirth shall record and report all statistical data required by this act relating to their inmates or patients.

Permit for
removal,
burial, or
other dis-
position.

Section 27. Permit for Removal, Burial, or Other Disposition. When a death or stillbirth occurs or a dead body is found the body shall not be disposed of or removed from the registration district until a permit has been issued by the local registrar.

Foreign
permit for
removal,
burial, or
other dis-
position
of body.

Section 28. Foreign Permit for Removal, Burial, or Other Disposition of Body. When death or stillbirth occurs outside this state and the body is accompanied by a permit for burial, removal or other disposition issued in accordance with the law and regulations in force where the death or stillbirth occurred, the permit shall authorize the transportation of the body into or through this state but before the burial, cremation or other disposal of the body within this state the permit shall be endorsed by the local registrar who shall keep a record thereof.

Prerequis-
ites for
permit.

Section 29. Prerequisites for Permit. No permit under Section 27 shall issue until a certificate of death or stillbirth, as far as it can be completed under the circumstances of the case, has been filed and until all the regulations of the board in respect to the issuance of such permit have been complied with.

Transmittal
of certificates
to State
Registrar.

Section 30. Transmittal of Certificates to State Registrar. Local registrars shall transmit all original certificates filed with them to the state registrar in accordance with regulations of the board, after having made duplicate copies of such certificates to be filed with the county clerk and recorder.

Compensa-
tion of local
registrars.

Section 31. Compensation of Local Registrars. Each local registrar shall be paid the sum of twenty-five cents (25c) for each complete birth, death or stillbirth certificate

returned by him to the state registrar in accordance with the regulations of the board. In case no birth, death or stillbirth was registered during any calendar month, the local registrar shall so report and be paid the sum of twenty-five cents (25c) for the report. The board is authorized to change by regulation the amounts specified herein to be paid to local registrars and the board shall limit the aggregate amount of fees to be paid per annum to any local registrar either by setting an annual aggregate maximum of such fees or by graduating the fees according to the number of registrations.

Section 32. Payment of Fees. Upon certification by the state registrar the fees of local registrars shall be paid by the treasurer of the proper county, out of the general fund of the county. The state registrar annually shall certify to the treasurer of the several counties the number of births, stillbirths and deaths certified from his county with the names of the local registrars and the amount due each.

Payment
of fees.

Section 33. Registration of Marriage; Marriage Certificates Filed. Every clerk of district court who issues a marriage license shall forward to the state registrar on or before the fifteenth of each calendar month, certification of certain information contained on marriage licenses on forms prescribed by the state registrar from each certificate of marriage which was filed with him during the preceding calendar month.

Registration
of marriages;
marriage
certificates
filed.

Section 34. Marriage License Fees. Every officer authorized to issue marriage licenses shall be paid a recording fee of twenty-five cents (25c) for each marriage certificate filed with him and forwarded by him to the state registrar. The recording fee shall be paid by the applicant for the license and be collected together with the fee for the license.

Marriage
license fees.

Section 35. Registration of Divorces, Annulments and Adoptions. For each divorce, annulment of marriage, adoption or annulment of adoption, the clerk of the court shall prepare within thirty (30) days after the decree becomes final, certificate of such decree on a form prescribed by the state registrar; and before the fifteenth day of each calendar month the clerk shall forward to the state registrar the certificates prepared by him during the preceding calendar month.

Registration
of divorces,
annulments
and adoptions.

Section 36. Penalties.

Penalties.

(1) Any person who willfully makes or alters any certificate or certified copy thereof provided for in this act, except in accordance with the provisions of this act, shall be fined not more than one thousand dollars (\$1000.00), or be imprisoned not exceeding six (6) months, or both fined and imprisoned.

(2) Any person who knowingly transports or accepts for transportation, interment or other disposition a dead body without an accompanying permit issued in accordance with the provisions of this act, shall be fined not more than five hundred dollars (\$500.00).

(3) Except where a different penalty is provided in this section, any person who violates any of the provisions of this act or neglects or refuses to perform any of the duties imposed upon him by this act, shall be fined not more than one hundred dollars (\$100.00).

Severability.

Section 37. Severability. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application, and to this end the provisions of this act are declared to be severable.

Uniformity
of Inter-
pretation.

Section 38. Uniformity of Interpretation. This act shall be so construed as to effectuate its general purpose.

Short title.

Section 39. Short Title. This act may be cited as the "Uniform Vital Statistics Act".

Repealing
clause.

Section 40. Repeal. Sections 2515 to 2539 both inclusive of the Revised Codes of Montana of 1935 and all acts or parts of acts which are inconsistent with the provisions of this act are hereby repealed.

Approved February 13, 1943.

CHAPTER 16

An Act Providing a Means by Which Any Citizen May Have His Birth Date Judicially Determined; Providing for the Notice to be Given of a Hearing; Giving to the District Courts Jurisdiction Thereof; Providing for an Appeal; and Determining the Fees to be Paid to the Clerk of Court in Connection Therewith.

Be it enacted by the Legislative Assembly of the State of Montana:

Section 1. For the purpose of having a judicial determination of the date of birth, any citizen of the United States, either natural born or naturalized, may file with the clerk of the district court of the county of his residence a petition, which petition must be duly verified by the petitioner, and must contain the following:

Petition for
judicial
determination
of date of
birth.

A. That the petitioner is a citizen of the United States; that he has resided in the State of Montana for one (1) year last past and in the county in which the action is brought for at least ninety (90) days immediately preceding the commencement of the action; the place of his birth; the names of his parents, together with the place of the birth of each of his parents and their address, if they are living; the name and address of each of his brothers and sisters; if the address of either of the parents or of any of the brothers or sisters are not known, then their last known place of address must be given.

Contents of.

B. If the petitioner was born outside of the United States then the petition must state whether his parents came to the United States; and if so, where they came and where they resided or reside; whether they or either of them were naturalized within the United States; and if so, when and where such naturalization took place.

In case of
foreign
born
petitioner.

Section 2. Upon the filing of this petition with the clerk of the district court an order shall be made by the court or judge thereof fixing the date of the hearing of the petition and directing that notice of such hearing be given by the clerk of said court. Notice shall be given by posting in each of the places where notice is required for a period of ten days prior to the date of such hearing, thirty days in the case of a foreign born petitioner, and before the hearing.

Date and
notice of
hearing.

Any citizen of the United States may appear and object to the granting of such petition, but all such objections shall be made in writing.

Objections.

Section 3. At the time fixed for the hearing of such petition the petitioner must appear and testify. Upon the hearing thereof, affidavits shall be received in evidence and shall have the same force and effect as if the testimony had been taken by deposition. If the court shall be satisfied by competent evidence of the sufficiency of the peti-

Hearing and
Judgment.

tion that the applicant is a citizen of the United States; that he has been a citizen of the State of Montana for one (1) year last past and of the county for more than ninety (90) days preceeding the filing of the petition, and that the applicant's date of birth is proven, then the court shall render judgment accordingly and that judgment shall constitute conclusive evidence of the date of the birth of the applicant.

Fees.

Section 4. That the petitioner, upon the filing of the petition, must pay to the clerk of court a fee of one dollar (\$1.00), and upon the entry of judgment the applicant must pay to the clerk of court an additional fee of one dollar (\$1.00). No charge shall be made for posting of the notices required hereunder. If the applicant shall provide a true copy of the judgment rendered, then the clerk of court must certify the same without additional charge. That the clerk of the court shall certify to two copies of such judgment, and file one with the bureau of vital statistics, state board of health, Helena, Montana, and the other with the county clerk and recorder of the county in which the judgment was obtained.

Certified
copies of
judgment
to be filed
where.

Transfer of
proceedings
to proper
county.

Section 5. If, upon the hearing of the petition it shall appear that the petitioner is entitled to have judgment entered as herein provided, but that the petition has been filed in the wrong county, then the court shall, by appropriate order, direct that the proceeding be transferred to the proper county.

Jurisdiction
of district
courts,
appeal.

Section 6. The district courts of this state shall have exclusive jurisdiction to hear and determine all petitions hereunder. Any citizen may appeal from the judgment rendered the same as in civil actions.

Repealing
clause.

Section 7. All acts and parts of acts in conflict herewith are hereby repealed.

Approved February 3, 1943.

CHAPTER 5

VITAL STATISTICS AND THE STATE BOARD OF HEALTH

Section	60-501.	Definitions.
	60-502.	Registration of live births.
	60-503.	Registration of stillbirths.
	60-504.	Registration of adoptions.
	60-505.	Adoption of child by the mother—legitimation—compensation.
	60-506.	Duties of state registrar.
	60-507.	Form, content and copies.
	60-508.	Other regulations.
	60-509.	Compulsory registration of deaths.
	60-510.	Local registers of representative certificates.
	60-511.	Registration of marriages—marriage report.
	60-512.	Registration of divorces and stillbirths.
	60-513.	Death and stillbirth certificates.
	60-514.	Physician's certification of cause of death.
	60-515.	Form of certificate.
	60-516.	Certificates of evidence.
	60-517.	Certified copies.
	60-518.	Fees for copies and searches.
	60-519.	Accounting for fees.
	60-520.	Delayed or altered certificates.
	60-521.	Delayed and altered certificates—procedure.
	60-522.	Court procedure to establish date and place of birth and parentage.
	60-523.	Delayed or altered certificates as evidence.
	60-524.	Dislosure of records.
	60-525.	Adoption, duties of clerk of court—substitute birth certificate.
	60-526.	Legitimation.
	60-527.	Persons required to make records.
	60-528.	Permit for removal, burial or other disposition.
	60-529.	Foreign permit for removal, burial or other disposition of body.
	60-530.	Prerequisites for permit.
	60-531.	Transmittal of certificates to state registrar.
	60-532.	Compensation of local registrars.
	60-533.	Payment of fees.
	60-534.	Registration of marriage—marriage certificates filed.
	60-535.	Marriage license fees.
	60-536.	Registration of divorces, annulments and adoptions.
	60-537.	Penalties.
	60-538.	Uniformity of interpretation.
	60-539.	Short title.

60-501. Definitions. As used in this act:

(1) "Vital statistics" includes the registration, preparation, and transcription, collection, compilation and preservation of data pertaining to births, adoptions, legitimations, deaths, stillbirths, marital status and data incidental thereto.

(2) "Live birth" means the birth of a child who shows evidence of life after the child is entirely outside the mother.

(3) "Stillbirth" means a birth after twenty (20) weeks of gestation which is not a live birth.

(4) "Dead body" means lifeless human body or such parts of the human body or the bones thereof from the state of which it reasonably may be concluded that death recently occurred.

(5) "Person in charge of interment" means any person who places or causes to be placed a stillborn child or dead body or the ashes, after cremation, in a grave, vault, urn or other receptacle, or otherwise disposes of the same.

(6) "Physician" means a person legally authorized to practice medicine in this state.

(7) "Board" means state board of health.

History: En. Sec. 1, Ch. 44, L. 1940. Secs. 2515 to 2530, R. O. M. 1951 and En. acts were Ch. 25, L. 1957; re-en. R. O. M. 1958.

Am. 1764 to 1781, Rev. C. 1907; re-en. NOTE.—Uniform State Law. Sections 60-501 through 60-539 constitute the "Uni-

form Vital Statistics Act" passed by the states of Louisiana, Minnesota, the National Conference of Commissioners on Uniform State Laws in 1923 and adoption.

CO-502. Duties of state board of health. The state board of health shall:

(1) Establish a bureau of vital statistics with suitable offices properly equipped for the preservation of its official records;

(2) Install a statewide system of vital statistics;

(3) Make and may amend necessary regulations, give instructions and prescribe forms for collecting, transcribing, compiling and preserving vital statistics; and

(4) Enforce this act and the regulations made pursuant thereto.

History: En. Sec. 2, Ch. 44, L. 1943.

CO-503. Publication of regulations. The regulations of the board shall take effect after passage and approval by the board.

History: En. Sec. 3, Ch. 44, L. 1943.

CO-504. Registration districts. The board shall divide the state from time to time into registration districts which shall conform to political subdivisions, or combinations thereof, or of parts thereof.

History: En. Sec. 4, Ch. 44, L. 1943.

CO-505. Appointment of state registrar—qualifications—compensation. The board shall appoint a state registrar of vital statistics, who shall be qualified in accordance with standards of education and experience as the board shall determine and fix his compensation.

History: En. Sec. 5, Ch. 44, L. 1943.

CO-506. Duties of state registrar. The state registrar, under the supervision of the state health officer, shall have charge of the bureau of vital statistics and be the custodian of all its files and records, and perform the duties prescribed by the board. He shall enforce this act and the regulations of the board and have supervisory power over local registrars. He shall submit to the board a biennial report of the administration of this act.

History: En. Sec. 6, Ch. 44, L. 1943.

CO-507. Local registrars and deputies. The board on the recommendation of the state registrar shall appoint local registrars. A local registrar with the approval of the state registrar may appoint deputies. The local registrars shall immediately report to the state registrar violations of this act or the regulations of the board.

History: En. Sec. 7, Ch. 44, L. 1943.

CO-508. Other employees. The board shall provide other necessary assistance and determine the status, compensation and duties of persons thus employed.

History: En. Sec. 8, Ch. 44, L. 1943.

CO-509. Compulsory registration of births. Within the time prescribed by the board a certificate of every birth shall be filed with the local registrar of the district in which the birth occurred, by the physician, midwife or other legally authorized person in attendance at the birth; or if not attended, by one of the parents.

History: En. Sec. 9, Ch. 44, L. 1943.

60-510. Local registrar to prepare birth certificate. If neither parent of the newborn child whose birth is unattended as above provided is able to prepare a birth certificate, the local registrar shall secure the necessary information from any person having knowledge of the birth and prepare and file the certificate. The board shall prescribe the time within which a supplementary report furnishing information omitted from the original certificate may be returned for the purpose of completing the certificate. Certificates of birth completed by the supplementary report shall not be considered "delayed" or "altered".

History: En. Sec. 10, Ch. 44, L. 1943.

60-511. Registration of foundlings—foundling report. (1) Whoever assumes the custody of a child of unknown parentage shall immediately report to the local registrar in writing: (a) the date and place of finding or assumption of custody; (b) sex; color or race; and approximate age of child; (c) name and address of the person or institution with whom the child has been placed for care, and (d) name given to the child by the finder or custodian.

(2) The place where the child was found or custody assumed shall be known as the place of birth and the date of birth shall be determined by approximation.

(3) The report shall constitute the certificate of birth.

(4) If the child is identified and a regular certificate of birth is found or obtained, the report shall be sealed and filed and may be opened only by court order.

History: En. Sec. 11, Ch. 44, L. 1943.

60-512. Registration of deaths and stillbirths. A certificate of every death or stillbirth shall be filed with the local registrar of the district in which the death or stillbirth occurred within three (3) days after the occurrence is known; or if the place of death or stillbirth is not known then with the local registrar of the district in which the body is found within twenty-four (24) hours thereafter. In every instance a certificate shall be filed prior to interment or other disposition of the body.

History: En. Sec. 12, Ch. 44, L. 1943.

60-513. Death and stillbirth certificates. (1) The person in charge of interment shall file, with the local registrar of the district in which the death or stillbirth occurred or the body was found a certificate of death or stillbirth within three (3) days after the occurrence.

(2) In preparing a certificate of death or stillbirth the person in charge of interment shall obtain and enter on the certificate the personal data required by the board from the persons best qualified to supply them. He shall present the certificate of death to the physician last in attendance upon the deceased or to the coroner having jurisdiction who shall thereupon certify the cause of death according to his best knowledge and belief. He shall present the certificate of stillbirth to the physician, midwife or other person in attendance at the stillbirth, who shall certify the stillbirth and such medical data pertaining thereto as he can furnish.

(3) Thereupon the funeral director or person in charge of interment shall notify the appropriate local registrar, if the death occurred without

medical attendance, or the physician last in attendance fails to sign the death certificate, then the local registrar may sign the certificate on the basis of information received from relatives of the deceased or others having knowledge of the facts. If the circumstances suggest that the death or still-birth was caused by other than natural causes, the local registrar shall refer the case to the coroner for investigation and certification.

History: En. Sec. 13, Ch. 44, L. 1943.

69-514. Delayed determination of cause of death. If the cause of death cannot be determined within three (3) days, the certification of its cause may be filed after the prescribed period, but the attending physician or coroner shall give the local registrar of the district in which death occurred, written notice of the reason for the delay, in order that a permit for the disposition of the body may be issued.

History: En. Sec. 14, Ch. 44, L. 1943.

69-515. Form of certificates. The forms of certificates shall include as a minimum the items required by the respective standard certificates as recommended by the United States bureau of the census subject to approval of and modification by the board. The form and use of such certificate shall be subject to the provisions of section 69-524.

History: En. Sec. 15, Ch. 44, L. 1943.

69-516. Certificates of evidence. Certificates filed within six (6) months after the time prescribed therefor shall be prima facie evidence of the facts therein stated. Data therein pertaining to the father of a child are prima facie evidence only if the alleged father is the husband of the mother; if not, the data pertaining to the father of a child are not evidence in any proceeding adverse to the interests of the alleged father, or of his heirs, next of kin, devisees, legatees or other successors in interest, if the paternity is controverted.

History: En. Sec. 16, Ch. 44, L. 1943.

69-517. Certified copies. (1) Subject to the requirements of sections 69-521, 69-523 and 69-524 the state registrar shall, upon request, furnish to any applicant a certified copy of any certificate, or any part thereof.

(2) Copies of the contents of any certificate on file in the bureau of vital statistics, or any part thereof, certified by the state registrar shall be considered for all purposes the same as the original, subject to the requirements of sections 69-521, 69-523 and 69-524.

History: En. Sec. 17, Ch. 44, L. 1943.

69-518. Fees for copies and searches. The board shall prescribe the fees if any to be paid for certified copies of certificates, or for search of the files or records when no certified copy is made. Subject to sections 69-521, 69-523 and 69-524, the United States bureau of the census may obtain transcripts, or without payment of fees, certified copies, provided the state is put to no expense in connection therewith.

History: En. Sec. 18, Ch. 44, L. 1943.

69-519. Accounting for fees. The state registrar shall keep an account of all fees received and turn the same over to the state treasurer to be

person born in this state may petition any court of record of the county in which he resides or was born for an order establishing a public record of the time and place of his birth and his parentage. The petition shall be verified by him and shall allege the facts which he claims entitle him to such an order. The court shall fix the time and place of hearing the petition.

69-520. Delayed or altered certificate. A person born in this state may file or amend a certain document for the time herein prescribed, upon submitting such proof as shall be required by the board or by any court.

History: En. Sec. 20, Ch. 44, L. 1913.

69-521. Delayed and altered certificates—procedure. (1) Certificates accepted subsequent to six (6) months after the time prescribed for filing, and certificates which have been altered after being filed with the state registrar, shall contain the date of the delayed filing and the date of the alteration and be marked "delayed" or "altered".

(2) A summary statement of the evidence submitted in support of the acceptance for delayed filing or alteration shall be endorsed on the certificate or on the back of the same.

(3) Such evidence shall be kept in a special permanent file.

History: En. Sec. 21, Ch. 44, L. 1913.

69-522. Court procedure to establish date and place of birth and parentage. (1) Any person born in this state may petition any court of record of the county in which he resides or was born for an order establishing a public record of the time and place of his birth and his parentage. The petition shall be verified by him and shall allege the facts which he claims entitle him to such an order. The court shall fix the time and place of hearing the petition.

(2) If the court is satisfied from the evidence received at the hearing of the truth of the allegations of the petition and of the facts as to the time and place of the petitioner's birth and of his parentage, and that he resides in the county or was born there, the court shall make and enter an order reciting the jurisdictional facts and determining the time and place of the petitioner's birth and the names of his parents, and any other facts deemed relevant by the court.

(3) The order or a certified copy thereof may be recorded in the office of the county clerk of the county and in the office of the state bureau of vital statistics.

(4) The order, the record thereof, and certified copies of the order or of the records shall be evidence of the truth of their contents and be admissible as proof thereof at all times and places the same as certificates of birth mentioned in section 69-516. From the records thus received from the court the state bureau of vital statistics shall make a transcript of the important facts and make a delayed birth certificate on a form prescribed by the board. A certified copy of this delayed birth certificate shall constitute prima facie proof of the facts recited in it.

History: En. Sec. 21A, Ch. 44, L. 1913.

69-523. Delayed or altered certificates as evidence. The probative value of a "delayed" or "altered" certificate shall be determined by the judicial or administrative body or official before whom the certificate is offered as evidence.

History: En. Sec. 22, Ch. 44, L. 1913.

60-504. Disclosure of records. (1) The records and files of the board of vital statistics are open to inspection, subject to the provisions of this act and regulations of the board, but it is unlawful for any officer or employee of the state to disclose data contained in vital statistics records, except as authorized by this act and by the board.

(2) Disclosure of illegitimacy of birth or of information from which it can be ascertained, may be made only upon order of a court in a case where such information is necessary for the determination of personal or property rights and then only for such purpose.

(3) The state registrar shall not permit inspection of the records or issue a certified copy of a certificate or part thereof unless he is satisfied that the applicant therefor has a direct and tangible interest in the matter recorded and that the information therein contained is necessary for the determination of personal or property rights. His decision shall be subject, however, to review by the board or a court under the limitations of this section.

(4) The board may permit the use of data contained in vital statistics records for research purposes, but no identifying use thereof shall be made.

(5) Subject to the provisions of this section the board may direct the state registrar to make a return upon the filing with him of birth, death and stillbirth certificates and of certain data shown thereon to federal, state or municipal agencies.

History: En. Sec. 23, Ch. 44, L. 1942.

60-525. Adoption, duties of clerk of court—substitute birth certificate. In case of adoption of a person born in the state of Montana, it shall be the duty of the clerk of the district court to forward by the fifteenth of the following month a certified copy of the final order of adoption to the registrar of vital statistics of the state board of health. The state registrar upon receipt of the certified copy of the order of adoption shall prepare a substitute certificate in the new name of the adopted person, naming the true date and place of birth and sex of said adopted person and statistical particulars of the foster parents in place of the natural parents. The state registrar shall strike out the words "Attendant's own signature" on the substitute record and insert in their stead the words "State registrar" and sign as such, and all dates of recording are to be left as on the original. And the state registrar shall make such a substitute birth certificate if furnished with a certified copy of adoption for any birth certificate now in his custody. The state registrar shall send copies of the substitute record to the local registrar and to the county clerk and recorder, to be substituted for the copies of the original record in their possession. The local registrar and the county clerk and recorder shall forthwith enter the substitute record in their files and shall forward immediately to the state registrar the copies of the original birth record to be sealed with the original record in the files of the state registrar. Such sealed documents may be opened by the state registrar only upon the demand of the adopted person if of legal age, or by order of a court in a case where such information is necessary for the determination of personal or property rights and then only for such purpose. The state registrar shall post a copy of the substitute record in the files of the state board of health.

and, upon receipt of such certificate, shall, by the day of the next court day, upon request of an adopting parent and presentation to the registrar, forward a certified copy of such person's birth certificate, to forward the original copy of the birth certificate and a certified copy of the final order of adoption to the registrar of vital statistics of the state board of health. The state registrar, upon receipt thereof, shall prepare a birth certificate in the new name of the adopted person, naming the true date of birth and sex of said adopted person and statistical particulars of the foster parents in place of the natural parents. Upon receipt of a certified copy of a court order of annulment of adoption, the state registrar shall append it to the certified copy of the order of adoption and thereafter shall not issue any birth certificate.

History: En. Sec. 24, Ch. 44, L. 1945;
Am. Sec. 1, Ch. 21, L. 1947.

69-525. Legitimation. In cases of legitimation the state registrar upon receipt of proof thereof shall prepare a new certificate of birth in the new name of the legitimated child. The evidence upon which the new certificate is made and the original certificate shall be sealed and filed and may be opened only upon order of court. In substituting records in case of legitimation the same procedure shall be followed as provided in the section on adoptions.

History: En. Sec. 25, Ch. 44, L. 1943.

69-527. Persons required to make records. Persons in charge of institutions for care or correction or for treatment of disease, injury or childbirth shall record and report all statistical data required by this act relating to their inmates or patients.

History: En. Sec. 26, Ch. 44, L. 1943.

69-528. Permit for removal, burial or other disposition. When a death or stillbirth occurs or a dead body is found the body shall not be disposed of or removed from the registration district until a permit has been issued by the local registrar.

History: En. Sec. 27, Ch. 44, L. 1943.

69-529. Foreign permit for removal, burial or other disposition of body. When death or stillbirth occurs outside this state and the body is accompanied by a permit for burial, removal or other disposition issued in accordance with the law and regulations in force where the death or stillbirth occurred, the permit shall authorize the transportation of the body into or through this state but before the burial, cremation or other disposal of the body within this state the permit shall be endorsed by the local registrar who shall keep a record thereof.

History: En. Sec. 28, Ch. 44, L. 1943.

69-530. Prerequisites for permit. No permit under section 69-528 shall issue until a certificate of health, as required by law, is completed and filed with the clerk of the court in the registration district in which the death or stillbirth occurred. The certificate shall be filed with the clerk of the court in the registration district in which the death or stillbirth occurred.

History: En. Sec. 29, Ch. 44, L. 1943.

60-531. Transmittal of certificates to state registrar. Local registrars shall transmit all original certificates filed with them to the state registrar in accordance with regulations of the board, after having made duplicate copies of such certificates to be filed with the county clerk and recorder.

History: En. Sec. 30, Ch. 44, L. 1943.

60-532. Compensation of local registrars. Each local registrar shall be paid the sum of twenty-five cents (25c) for each complete birth, death or stillbirth certificate returned by him to the state registrar in accordance with the regulations of the board. In case no birth, death or stillbirth was registered during any calendar month, the local registrar shall so report and be paid the sum of twenty-five cents (25c) for the report. The board is authorized to change by regulation the amounts specified herein to be paid to local registrars and the board shall limit the aggregate amount of fees to be paid per annum to any local registrar either by setting an annual aggregate maximum of such fees or by graduating the fees according to the number of registrations.

History: En. Sec. 31, Ch. 44, L. 1943.

60-533. Payment of fees. Upon certification by the state registrar the fees of local registrars shall be paid by the treasurer of the proper county, out of the general fund of the county. The state registrar annually shall certify to the treasurer of the several counties the number of births, stillbirths and deaths certified from his county with the names of the local registrars and the amount due each.

History: En. Sec. 32, Ch. 44, L. 1943.

60-534. Registration of marriage—marriage certificates filed. Every clerk of district court who issues a marriage license shall forward to the state registrar on or before the fifteenth of each calendar month certification of certain information contained on marriage licenses on forms prescribed by the state registrar from each certificate of marriage which was filed with him during the preceding calendar month.

History: En. Sec. 33, Ch. 44, L. 1943.

60-535. Marriage license fees. Every officer authorized to issue marriage licenses shall be paid a recording fee of twenty-five cents (25c) for each marriage certificate filed with him and forwarded by him to the state registrar. The recording fee shall be paid by the applicant for the license and be collected together with the fee for the license.

History: En. Sec. 34, Ch. 44, L. 1943.

60-536. Registration of divorces, annulments and adoptions. For each divorce, annulment of marriage, adoption or annulment of adoption, the clerk of the court shall prepare within thirty (30) days after the decree becomes final, certificate of said decree on a form prescribed by the state registrar; and before the fifteenth day of each calendar month the clerk shall forward to the state registrar the certificates prepared by him during the preceding calendar month.

History: En. Sec. 35, Ch. 44, L. 1943.

in accordance with the provisions of this act, shall be fined not more than one hundred dollars (\$100.00), or be imprisoned not exceeding six (6) months, or both fined and imprisoned.

(2) Any person who knowingly transports, sells or receives for transportation, shipment or other disposal, a stolen motor vehicle without an accompanying permit issued in accordance with the provisions of this act, shall be fined not more than five hundred dollars (\$500.00).

(3) Except where a different penalty is provided in this section, any person who violates any of the provisions of this act or any act in relation to perform any of the duties imposed upon him by this act, shall be fined not more than one hundred dollars (\$100.00).

History: En. Sec. 33, Ch. 44, L. 1913.

93-553. Uniformity of interpretation. This act shall be so construed as to effectuate its general purpose.

History: En. Sec. 33, Ch. 44, L. 1913.

93-553. Short title. This act may be cited as the "Uniform Vital Statistics Act".

History: En. Sec. 33, Ch. 44, L. 1913.

CHAPTER 101

BIRTH DATE—PROCEDURE FOR JUDICIAL DETERMINATION

- Section 93-101-1. Birth date—date of determination thereof.
93-101-2. Date and mode of hearing—objections.
93-101-3. Hearing and judgment.

93-101-4. Fees—collection of a fee.

93-101-5. Transfer of proceedings to proper county.

93-101-6. Jurisdiction of district courts, appeal.

93-101-1. Birth date—judicial determination thereof. For the purpose of having a judicial determination of the date of birth, any citizen of the United States, either natural born or naturalized, may file with the clerk of the district court of the county of his residence a petition, which petition must be duly verified by the petitioner, and must contain the following:

A. That the petitioner is a citizen of the United States; that he has resided in the state of Montana for one (1) year last past and in the county in which the action is brought for at least ninety (90) days immediately preceding the commencement of the action; the place of his birth; the names of his parents, together with the place of the birth of each of his parents and their address, if they are living; the name and address of each of his brothers and sisters; if the address of either of the parents or of any of the brothers or sisters are not known, then their last known place of address must be given.

B. The petitioner shall file his petition with the clerk of the district court in the county in which he resides, or in which he claims to reside, or in which he claims to have been born, or in which he claims to have been married, or in which he claims to have been a citizen of the United States; and if so, when and where such notice shall be given.

History: En. Sec. 1, Ch. 16, L. 1913.

93-101-2. Date and notice of hearing—objections. Upon the filing of this petition with the clerk of the district court in order said, be made by the court or judge thereof, fixing the date of the hearing of the petition and directing that notice of such hearing be given as in such order set forth. Notice shall be given by publication in three (3) public places within the county for a period of not less than ten (10) nor more than thirty (30) days as the court, in its discretion, shall determine.

Any citizen of the United States may appear and object to the granting of such petition, but all such objections shall be made in writing.

History: En. Sec. 2, Ch. 16, L. 1913.

93-101-3. Hearing and judgment. At the time fixed for the hearing of such petition the petitioner must appear and testify. Upon the hearing thereof, affidavits shall be received in evidence and shall have the same force and effect as if the testimony had been taken by deposition. If the court shall be satisfied by competent evidence of the sufficiency of the petition that the applicant is a citizen of the United States; that he has been a citizen of the state of Montana for one (1) year last past and of the county for more than ninety (90) days preceding the filing of the petition, and that the applicant's date of birth is proven, then the court shall render judgment accordingly and that judgment shall constitute conclusive evidence of the date of the birth of the applicant.

History: En. Sec. 3, Ch. 16, L. 1913.

93-101-4. Fees—certification of judgment. The petitioner, upon the filing of the petition, must pay to the clerk of court a fee of one dollar (\$1.00), and upon the entry of judgment the applicant must pay to the clerk of court an additional fee of one dollar (\$1.00). No charge shall be made for posting of the notices required hereunder. If the applicant shall provide a true copy of the judgment rendered, then the clerk of court must certify the same without additional charge. The clerk of the court shall certify to two copies of such judgment, and file one with the bureau of vital statistics, state board of health, Helena, Montana, and the other with the county clerk and recorder of the county in which the judgment was obtained.

History: En. Sec. 4, Ch. 16, L. 1913.

93-101-5. Transfer of proceedings to proper county. If, upon the hearing of the petition it shall appear that the petitioner is entitled to have judgment entered as herein provided, but that the petition has been filed in the wrong county, then the court shall, by appropriate order, direct that the proceeding be transferred to the proper county.

History: En. Sec. 5, Ch. 16, L. 1913.

93-101-6. Jurisdiction of district courts, appeal. The district courts of this state shall have exclusive jurisdiction to hear and determine all petitions hereunder. Any citizen may appeal from the judgment rendered the same as in civil actions.

History: En. Sec. 6, Ch. 16, L. 1913.

CHAPTER 187

An Act Regarding Submission of Vital Statistics Information by Clerks of the District Courts at Time of Entry of Decree of Divorce or Annulment and Providing for Transmittal of Such Information to the State Registrar of Vital Statistics.

Enacted by the Legislative Assembly of the State of Montana:

Section 1. Contemporaneously with the filing of a decree of divorce or annulment of marriage, there shall be submitted by the clerk of court of the district court with whom such action is filed a report of such action on a form prescribed by the state registrar of vital statistics. Said report shall contain information as follows: name, age, birthplace, residence, race or color, occupation and number of previous marriages of each party; the date and place of the marriage of the parties; the number of children under eighteen (18) years of age in the custody of either or both parties and residing with them; and the grounds of such action. Such information shall be supplied to the clerks by the parties to the action or their respective attorneys.

Clerk of court
shall submit
report on divorce
or annulment to
state registrar of
Vital Statistics.

Section 2. The clerk of the district court shall indicate upon said form the cause number of the action, the county and the judicial district wherein filed the date of the judgment and to which party granted. The completed form shall be transmitted to the state registrar as provided by Section 60-536, R. C. M., 1947.

Form shall show
title of court and
cause number.

Approved March 2, 1963.

CHAPTER 44 VITAL STATISTICS

- Section 69-4401. Definitions.
- 69-4402. State-wide system of vital statistics established by state board of health.
- 69-4403. Functions, powers and duties of state department of health.
- 69-4404. Disclosure of data in vital statistics records—inspection of records with the permission of the state registrar.
- 69-4405. Disclosure of information to governmental agencies.
- 69-4406. Certified copy of certificate—effect of.
- 69-4407. Certified copy of certificate—fee.
- 69-4408. Disposition of fees from certified copies.
- 69-4409. Local registrars—appointment—supervision.
- 69-4410. Local registrars—deputies.
- 69-4411. Certificates—information required—disposition of copies.
- 69-4412. Certificates—prima facie evidence.
- 69-4413. Births—compulsory registration.
- 69-4414. Unattended birth—certificate prepared and filed by local registrar.
- 69-4415. Custodian of child of unknown parents—report filed with local registrar constitutes birth certificate.
- 69-4416. Birth certificate—delayed filing—proof required—amendment.
- 69-4417. Birth certificate—delayed filing—summary statement of evidence.
- 69-4418. Date and place of birth—usual procedure to establish where birth certificate cannot be obtained.
- 69-4419. Deceased certificate of birth—probative value.
- 69-4420. Suspected birth certificate—procedure for issuance.
- 69-4421. Substitute birth certificate—procedure for recording.
- 69-4422. Illegitimate birth—permissible disclosure.
- 69-4423. Proof of filiation—new birth certificate.
- 69-4424. Death certificate—time of filing.
- 69-4425. Death certificate—preparation and filing.
- 69-4426. Death without medical attendance—certificate—investigation.
- 69-4427. Delay in determining cause of death—permit for disposition of body.
- 69-4428. Dead body—disposition or removal—permit required.
- 69-4429. Body brought into state for burial or other disposition—record of permit.

- 60-4401. Legitimation—certificate for person—report as to inmate or pauper.
- 60-4402. Marriage certificate—report as to filing—recording fee.
- 60-4403. Registration of divorces, annulments and adoptions—certificates by courts of record.
- 60-4404. Decree of divorce or annulment of marriage—report by court of record—inform those entitled by parties to the action or their attorneys.
- 60-4405. Duty to register a birth.
- 60-4406. False statements or omissions contained in or mutilation of reports—report or certificate relating to vital statistics—penalty.
- 60-4407. Health officer—appointment of person by will or permit—duty to gather and transmit reports and to perform duties imposed by vital statistics laws—penalty.

60-4401. Definitions. As used in this chapter, unless the context clearly indicates otherwise:

(1) "Vital statistics" includes the registration, preparation, transcription, collection, compilation and preservation of data pertaining to births, adoptions, legitimations, deaths, fetal deaths, marital status and incidental supporting data.

(2) "Live birth" means the birth of a child who shows evidence of life after being entirely outside the mother.

(3) "Fetal death" means a birth after twenty (20) weeks of gestation which is not a live birth.

(4) "Dead body" means a lifeless human body or parts of a body in which it reasonably may be concluded that death occurred recently.

(5) "Person in charge of interment" means any person who places a corpse to be placed, a dead body or the ashes after cremation, in a grave, vault, urn or other receptacle, or otherwise disposes of the body.

(6) "Physician" means a person legally authorized to practice medicine in this state.

(7) "State registrar" means the person designated by the executive officer of the department of health to have primary responsibility for vital statistics.

(8) "Local registrar" means a person appointed by the state registrar to act as his agent in administering this chapter within the area set forth in the letter of appointment.

History: En. Sec. 41, Ch. 197, L. 1967.

60-4402. State-wide system of vital statistics established by state board of health. The state board of health shall establish a state-wide system of vital statistics and adopt rules for gathering, recording, using, and preserving vital statistics.

History: En. Sec. 42, Ch. 197, L. 1967.

Collateral References

Cross-Reference

Health 60-54.

Change of names of persons, procedure
§ sec. 93-100-1 et seq.

39 C.J.S. Health § 26.

39 Am. Jur. 2d 574, Health, § 51.

60-4403. Functions, powers and duties of state department of health. The state department of health shall:

(1) divide the state into registration districts and change districts

(2) appoint, record, and preserve vital statistics;

(3) make rules, regulations, orders and orders for gathering, recording, and preserving vital statistics;

(4) fix, make out and prescribe forms for gathering, recording, preserving, and using vital statistics.

History: En. Sec. 43, Ch. 197, L. 1967.

69-4404. Disclosure of data in vital statistics records—inspection of records with the permission of the state registrar. It is unlawful to disclose data in the vital statistics records of the department, local registrars, county clerk and recorder unless disclosure is authorized by law and approved by the state board. The state registrar shall not permit inspection of the records or issue copies of any certificate unless he is satisfied that the applicant has a direct and tangible interest in the data recorded and that the information is necessary for the determination of personal or property rights. His decision is subject to review by the state board or a court.

History: En. Sec. 44, Ch. 197, L. 1937.

69-4405. Disclosure of information to governmental agencies. The state board may direct the state registrar to disclose information from its records to federal, state, county, or municipal agencies for use only as prescribed by the state board. If no identification of individuals is made, the state board may permit the use of data contained in vital statistics records for research purposes.

History: En. Sec. 45, Ch. 197, L. 1937.

69-4406. Certified copy of certificate—effect of. Subject to the limitations of sections 69-4404, 69-4405, 69-4417, 69-4419, and 69-4422, the state registrar shall furnish to any applicant a certified copy of a certificate, or part of it, upon request which shall be considered the same as the original.

History: En. Sec. 46, Ch. 197, L. 1937.

69-4407. Certified copy of certificate—fee. The state board shall prescribe a fee of not less than two dollars (\$2) for a certified copy of certificates, or search of files. The state board may provide transcripts to the federal agency responsible for vital statistics if it is reimbursed for costs.

History: En. Sec. 47, Ch. 197, L. 1937.

69-4408. Disposition of fees from certified copies. Fees received for a certified copy of a certificate or a search of files shall be deposited in the state general fund.

History: En. Sec. 48, Ch. 197, L. 1937.

69-4409. Local registrars—appointment—supervision. The state registrar shall:

- (1) with approval of the state board, appoint local registrars;
- (2) supervise local registrars and other persons required to comply with this act.

History: En. Sec. 49, Ch. 197, L. 1937.

69-4410. Local registrars—deputies. With approval of the state registrar, local registrars may appoint deputies. Local registrars and deputies shall immediately report violations of this act or rules of the state board to the state registrar.

History: En. Sec. 50, Ch. 197, L. 1937.

69-4411. Certificates—information required—disposition of copies. (1) All certificates shall include information required by the state board.

(2) Local registrars shall forward original certificates to the state registrar, file a duplicate copy with the county clerk and recorder, and retain a duplicate copy.

(3) Local registrars shall not issue certified copies of certificates.

History: En. Sec. 51, Ch. 197, L. 1937.

00-4412. Certificates—proof of evidence. Certificates filed within ten days of birth, and those so filed as prescribed by the state board, shall be prima facie evidence of the facts stated in the certificates. Data pertaining to the father of a child are prima facie evidence only if the alleged father is the husband of the mother; if the alleged father is not the husband of the mother, data pertaining to the alleged father are not evidence in any proceedings adverse to his interests, his heirs, next of kin, devisees, legatees, or other successors in interest.

History: En. Sec. 52, Ch. 197, L. 1967.

00-4413. Births—compulsory registration. Within the time prescribed by the state board, a birth certificate shall be filed with the local registrar of the district in which the birth occurred by:

(1) the physician, midwife, or other legally authorized person if the birth is attended;

(2) one of the parents if the birth is unattended.

History: En. Sec. 53, Ch. 197, L. 1967.

Collateral References

Cross-Reference

Health 24.

Birth date, procedure for judicial determination, sec. 93-101-1 et seq.

59 C.F.S. Health § 26.

59 Am. Jur. 2d 379, Health, § 51.

00-4414. Unattended birth—certificate prepared and filed by local registrar. (1) If a birth is unattended and neither parent is able to prepare a birth certificate, the local registrar shall:

(a) secure information from any person having knowledge of the birth;

(b) prepare and file a birth certificate;

(c) within the time prescribed by the state board, file a supplementary report furnishing information omitted from the original birth certificate for additional information received.

(2) Births unattended as provided by a supplementary report shall not be considered a "delayed filing."

History: En. Sec. 54, Ch. 197, L. 1967.

00-4415. Custody of child of unknown parents—report filed with local registrar constitutes birth certificate. (1) A person who assumes custody of a child of unknown parentage shall immediately file with the local registrar a written report which shall constitute a birth certificate. The report shall contain:

(a) the date and place of finding or assumption of custody;

(b) sex, color or race, and approximate age of the child;

(c) name and address of the person or institution with whom the child has been placed for care;

(d) name given to the child by the finder or person who assumes custody.

(2) The place where the child was found or custody assumed shall be the place of birth. The date of birth shall be determined by approximation. If the child is identified and a regular birth certificate is found, the report shall be sealed and may be opened only by court order.

History: En. Sec. 55, Ch. 197, L. 1967.

00-4416. Birth certificate—delayed filing—proof required—amendment. At any time prescribed by the state board, a person born in this state may file a birth certificate upon submitting proof as required by the state

board or by any court. A person may amend a birth, death, or fetal death certificate upon submitting the proof as required by the state board.

History: En. Sec. 56, Ch. 147, L. 1967.

69-4417. Birth certificate—delayed filing—summary statement of evidence. If birth certificates are accepted six (6) months or more after the time prescribed for filing or are altered by the state registrar after filing, the certificate shall show the date of the delayed filing or alteration and the mark "delayed" or "altered." A summary statement of the evidence in support of the delayed filing or alteration shall be endorsed on the certificate.

History: En. Sec. 57, Ch. 147, L. 1967.

69-4418. Date and place of birth—judicial procedure to establish where birth certificate cannot be obtained. If a person born in this state cannot obtain a birth certificate from the state registrar, the judicial procedure to establish date and place of birth is:

(1) the person petitions the district court for an order establishing a public record of his birth alleging the facts which he claims entitles him to the birth certificate;

(2) if the court is satisfied of the truth of the allegations in the petition, it makes an order reciting the facts, determining the time and place of birth, names of parents, and other relevant facts;

(3) the court order or a certified copy is recorded with the county clerk and recorder and with the state registrar;

(4) from the court order, the state registrar makes a transcript of the important facts and issues a delayed birth certificate.

History: En. Sec. 58, Ch. 197, L. 1967.

Cross-Reference

Application of Montana Rules of Civil Procedure, Rule 81(a), M. R. Civ. P.

69-4419. Delayed certificate of birth—probative value. The probative value of a "delayed" or "altered" certificate of birth is determined by the judicial or administrative body before whom the certificate is offered as evidence.

History: En. Sec. 59, Ch. 197, L. 1967.

69-4420. Substitute birth certificate—procedure for issuance. The procedure for issuing a substitute birth certificate for a person born in Montana and adopted is:

(1) before the sixteenth day of the month following the order of adoption the clerk of the district court shall forward a certified copy of the final order of adoption to the state registrar;

(2) the state registrar shall prepare a substitute certificate containing:

(a) the new name of the adopted person,

(b) the true date and place of birth and sex of the adopted person;

(c) the stated facts concerning the adoptive parents in place of the natural parents;

(d) the words "state registrar" substituted for the words "attendant's own signature."

(c) dates of recording as shown on the original birth certificate.

History: En. Sec. 60, Ch. 197, L. 1967.

60-4421. Substitute birth certificate — procedure for recording. (1) The procedure for recording a substitute certificate of birth for a person born in Montana and adopted is:

(a) the state registrar shall send copies of the substitute certificate to the local registrar and to the county clerk and recorder;

(b) the local registrar and county clerk and recorder shall immediately file the substitute birth certificate in their files and forward copies of the original birth record to the state registrar;

(c) the state registrar shall seal original birth records and open them only upon demand of the adopted person if of legal age, or upon order of a court.

(2) Upon receipt of a certified copy of a court order annulling an adoption, the state registrar shall restore the original certificate to its file in his files and notify the local registrar and county clerk and recorder.

History: En. Sec. 61, Ch. 197, L. 1967.

60-4422. Illegitimate birth—permissible disclosure. Disclosure of illegitimacy of birth, or information from which illegitimacy can be ascertained, may be made only upon order of a court to determine personal or property rights. The information can be used only for that purpose.

History: En. Sec. 62, Ch. 197, L. 1967.

60-4423. Proof of legitimation—new birth certificate. Upon receipt of proof of legitimation, the state registrar shall prepare a new birth certificate in the new name of the person legitimated. Evidence upon which a new certificate is based and the original birth certificate shall be sealed and may be opened only upon court order. In case of legitimation, the state registrar shall substitute records in the way provided in section 60-4421 for records of adoption.

History: En. Sec. 63, Ch. 197, L. 1967.

60-4424. Death certificate—time of filing. (1) A death or fetal death certificate shall be filed with the local registrar prior to interment or other disposition of a dead body. If the place of death is known, the certificate shall be filed within three (3) days after the occurrence is known. If the place of death or fetal death is unknown, the certificate shall be filed within twenty-four (24) hours after the occurrence is known.

(2) If a state resident dies outside the county of his residence, the clerk and recorder shall send a certified copy of the death certificate to the clerk and recorder of the deceased's county of residence. The copy shall be considered the same as the original.

History: En. Sec. 64, Ch. 197, L. 1967.

50 C.F.S. Title 26.

39 Am. Jur. 2d 579, Death, § 51.

Other References

ANAL.

60-4425. Death certificate—preparation and filing. A person in charge of interment shall:

(1) obtain personal data required by the state board from persons best qualified to supply the data and enter it on the death or fetal death certificate;

(2) present the death certificate to the physician last in attendance upon the deceased or the coroner having jurisdiction who shall certify the cause of death according to his best knowledge and belief; or

(3) present the fetal death certificate to the physician, midwife, or other person in attendance, who shall certify the fetal death and supply any pertinent additional medical data;

(4) notify the local registrar if the death or fetal death occurred without attendance or if the physician last in attendance failed to sign the death certificate;

(5) file the death or fetal death certificate with the local registrar within three (3) days after the occurrence.

History: En. Sec. 65, Ch. 197, L. 1967.

60-4426. Death without medical attendance—certificate—investigation. If the death or fetal death occurred without medical attendance or the physician last in attendance failed to sign the death certificate, the local registrar may complete the certificate on the basis of information received from persons having knowledge of the facts. If it appears the death or fetal death resulted from other than natural causes, the local registrar shall notify the coroner for investigation and certification.

History: En. Sec. 66, Ch. 197, L. 1967.

60-4427. Delay in determining cause of death—permit for disposition of body. If the cause of death or fetal death cannot be determined within three (3) days after the occurrence, the attending physician or coroner shall give the local registrar written notice of the reason for delay so that a permit may be issued for disposition of the body.

History: En. Sec. 67, Ch. 197, L. 1967.

60-4428. Dead body—disposition or removal—permit required. No dead body shall be disposed of or removed from a registration district until a permit for disposition or removal has been issued by the local registrar. No permit shall be issued until a death certificate, fetal death certificate, or notice of delay as required in section 60-4427 has been filed with the local registrar.

History: En. Sec. 68, Ch. 197, L. 1967.

Collateral References

Health—35.

39 C.J.S. Health § 27.

60-4429. Body brought into state for burial or other disposition—record of permit. If a body is brought into the state for burial or other disposition accompanied by a permit, the local registrar shall endorse the permit and keep a record of it.

History: En. Sec. 69, Ch. 197, L. 1967.

69-4430. Institutions caring for persons—reports as to inmates or patients. The person in charge of any institution or facility for the care of persons shall record and report all data required by this chapter relating to inmates or patients of the institution or facility.

History: En. Sec. 70, Ch. 197, L. 1967.

69-4431. Local registrars—fees. The state board may specify by regulation a fee to be paid each local registrar for each complete birth, death or fetal death certificate forwarded by the local registrar to the state registrar, or a monthly report stating the local registrar did not file certificates. The state registrar shall annually certify to the county treasurer the number of births, fetal deaths, and deaths, or monthly reports received from his county with the names of the local registrars and the amount due each. The treasurer shall pay each local registrar out of the county general fund.

History: En. Sec. 71, Ch. 197, L. 1967.

69-4432. Marriage certificates—reports as to filing—recording fee. Before the sixteenth day of each month, each clerk of a district court shall report marriage certificates filed with him during the preceding calendar month to the state registrar. Reports shall be on forms and contain information prescribed by the state registrar. The applicant for a marriage license shall pay a recording fee of twenty-five cents (\$.25) to the officer authorized to issue the marriage license.

History: En. Sec. 72, Ch. 197, L. 1967.

69-4433. Registration of divorces, annulments and adoptions—certificates by clerks of courts. Before the sixteenth day of each month, the clerk of court shall prepare and forward to the state registrar a certificate for each decree of divorce, adoption, annulment of marriage, or annulment of adoption that became final during the preceding calendar month. Certificates shall be on forms prescribed by the state registrar.

History: En. Sec. 73, Ch. 197, L. 1967.

69-4434. Decree of divorce or annulment of marriage—report by clerk of court—information supplied by parties to the action or their attorneys.

(1) At the same time a decree of divorce or annulment of marriage is filed, the clerk of court shall prepare a report to the state registrar on the form prescribed by the state registrar. Parties to the action or their attorneys shall supply the clerk with necessary information.

(2) The report shall include:

- (a) name, age, birthplace, residence, race or color, and occupation of each party;
- (b) number, date, and place of any previous marriage of either party;
- (c) number of children under eighteen (18) years of age in custody of either party and residing with him;
- (d) grounds for the action;
- (e) the number of the cause of action;

- (f) the county and judicial district where the action is filed;
 - (g) the date of judgment and the party which was granted it.
- History: En. Sec. 74, Ch. 197, L. 1967.

69-4435. Duty to furnish information. Any person having knowledge of the following facts—information he possesses about a birth, death, fetal death, marriage or divorce upon demand of the state registrar.

History: En. Sec. 75, Ch. 197, L. 1967.

69-4436. False statements or information contained in or mutilation of reports, records, or certificates relating to vital statistics—penalty. A person shall be fined not more than one hundred dollars, imprisoned for not more than one (1) year, or both, if:

- (1) he willfully and knowingly makes any false statement in a report, record, or certificate required to be filed by law, or in an application for amendment thereof, or willfully and knowingly omits or falsifies information intending that such information be used in the preparation of any report, record, or certificate, or amendment;
- (2) without lawful authority and with the intent to deceive, he falsifies, alters, amends, or mutilates any report, record, or certificate required to be filed under law or a certified copy of the report, record, or certificate;
- (3) he willfully and knowingly uses or attempts to use, or furnishes to another for use, for any purpose of deception, any certificate, record, report, or certified copy that is, altered, amended, or mutilated;
- (4) with the intention to deceive, he willfully uses or attempts to use any birth certificate or certified copy of a birth record knowing that such certificate or certified copy was issued upon a record which is false in whole or in part or which relates to the birth of another person;
- (5) he willfully and knowingly furnishes a birth certificate or certified copy of a birth record with the intention that it be used by a person other than the person to whom the birth record relates.

History: En. Sec. 76, Ch. 197, L. 1967. 39 C.J.S. Health §§ 29-35.
39 Am. Jur. 2d 374, Health, § 37.

Collateral References
Health 37-43.

69-4437. Handling and disposing of dead body without permit—refusal to give information—neglect or refusal to perform duties imposed by vital statistics law—penalty. A person shall be fined not less than twenty-five dollars (\$25) nor more than one hundred dollars (\$100), imprisoned for not more than thirty (30) days, or both, if:

- (1) he knowingly transports or accepts for transportation, internment, or other disposition a dead body without an accompanying permit as provided by law;
- (2) he refuses to provide information required by law;
- (3) he willfully neglects or violates any of the provisions of law or refuses to perform any of the duties imposed upon him by law.

History: En. Sec. 77, Ch. 197, L. 1967. 39 C.J.S. Health §§ 29-35.
39 Am. Jur. 2d 374, Health, § 37.

Collateral References
Health 37-44.

OFFICE SPACE

OFFICE PRACTICE

STATE REGISTRARS

STATE OFFICE PERSONNEL

LOCAL REGISTRARS

The following names appeared most frequently
as Local Registrar on the records filed in
the State office.

Some of the dates may be inaccurate as several
Local Registrars seemed to overlap.

BEAR HORN

W. A. Miller	1920-1921
W. A. Mindexter	1920-1/1941
G. E. Rottledge	1920-9/1921
W. A. Volaron	1927-5/1928
Mabel Willis	1928-12/1928
Lvelyn J. Saxe	1928-1970
Margaret Thompson	1971

BIG HORN

<u>Wardin</u>	
O. S. Waverfield	1919-5/1921
W. A. Russell, M. D.	6/1921-
W. R. Benson	1931-
Goldie Finlayson	July 1, 1949-present

<u>Crow Agency</u>	
Myrtle Nelson	1919-
F. Rogers	1931-
Ella L. B. Johnson	1942-
Marie Smart	1952-
Alvin Stewart	April 1956-

BLAINE

<u>Chinook</u>	
Julius Lanfeldt	1920-1922
Herman Kuper	1922-1959
Eugene Kuper	1959-1965
Monica D. Miller	1965-

<u>Parlee</u>	
G. H. Miller	1920-
Herman Kuper	1922-
Mary Baird	1960-
Monica Miller	1965-

R. D. Towne	1906
G. W. Gilham	1907
J. L. Belcher & J. P. Ritchey	1908
Chas. W. Smith	1909-1912
A. C. Kelley	1913
Chas. W. Smith	1914
G. W. Gilham	1915-1916
Chas. W. Smith	1917-1919
G. W. Gilham	1920-1927
F. A. Towns	1928-1930
R. L. Towne	1930-1931
A. A. Taylor	1932-1935
F. A. Colley	1936-
F. A. Nash	1937-1944
Erene Ferrat	1944-1945
Pat Bennett	1945-1946
Genevieve L. Kinney	1946-1947
William Finnegan	1947
Richard Dorsett	1948-1952
Fred Kistner	1952
Anne Marie Stiner	1953-1965
Mauna Harrigfield	1967-August 1970
Frances Etzwiler	August 1970-

CUMMINS

T. J. Hanson	1/1920-1926
E. M. Adams	1/1926-1964
Wilma Mayer	1/1964-
Norman Gardner	1/1964-6/1970
Dorothy Uzalec	7/1970-

CARTER

W. E. Wendell	1919-1924
H. Holmes	1920-1921
Eda Nelson	1924-1938
Rollie Wallace	1924-
B. D. Sandy	1924-1944
D. M. Leight	1944-
Josephine Dodd	1944-1/1954
Pearl Yates	2/1955-

CASCADE

Glorious Dolan, M. D.	3/1911-7/1921
G. A. Furon, M. D.	8/1921-6/1927
W. R. Pickett, M. D.	8/1927-8/1928
Thos. P. Walker, M. D.	8/1928-8/1930
F. L. Watkins, M. D.	8/1930-8/1931

CASCADE (cont.)

Wm. H. Johnson, W. D.
 J. H. E. Wilson
 Fred Wilson
 William C. Risser
 Fred Board, W. D. USMS
 J. A. Googins, W. D.

3/1926-5/1926
 5/1926-2/1927
 3/1927-1/1928
 7/1928-1/1934
 1920-1923
 1/20/1925-

CHOUTEAU

E. W. Fouts
 Knaback
 Evon Anderson
 W. Gertson

8/1919-
 6/1919-
 1/1931-
 1/1932-

CUCUTER

A. R. Varco
 Dr. Sadie Lindeberg
 Wm. Andrews
 G. M. Crary
 M. D. Winter, M. D.
 Mr. George Fry

1920-1923
 1932-1937
 1925-1931
 1929
 1937-1959
 1959-present

DARTLS

J. D. Jackson
 L. D. Tucker
 D. A. Baetrey
 Mrs. E. Lund
 W. A. Lanctet
 Roy W. Stewart
 E. R. Dodds
 Hale Nelson
 R. Hauge
 H. J. Hansen
 Mary M. Hillstrom
 Mabel Farget
 Melfred Eide
 Catherine Darchuk

1911-
 1917
 1917-
 1916-
 1919-
 1920-
 Dec. 1920
 1923
 May 1923-
 Jan. 1933-
 May 1957-
 Oct. 1959-
 Dec. 1963-
 April 1965-

DAWSON

W. F. Vennersel, W. D.
 W. F. Vennersel, W. D.
 W. F. Vennersel, W. D.
 W. F. Vennersel

Prior to 1920-2021
 Jan. 1920-2021
 Jan. 1920-2021
 Jan. 1920-

Arctic:

J. W. C. C. C.	
Dr. C. C. C.	
Dr. A. C. C.	
E. E. Dickenson	Dec. 2, 1938-
T. McKennie	Mar. 3, 1938-
Gail R. Soper	June 6, 1938-
Dr. W. E. Long	July 9, 1937-
J. J. Kane	Aug. 24, 1937
J. H. O'Rourke	Jan. 5, 1938-
T. J. Kargacin, M. D.	May 24, 1939-
G. E. Trobough	June 30, 1947-

Warm Springs:

E. E. Dickenson	1920-1947
George M. Maxwell	1947-
Annie Jurcich	1971-

Galen:

C. E. Vidal, M. D.	1919-1937
F. I. Terrill, M. D.	1937-1953
Mrs. Helen Logan	1953-

FALLON

Dr. W. H. Young	1920-1923
Anna Engels	1924-
Dr. W. H. Young	1926-
Dr. W. H. Blakemore	1927-1940
Dr. C. F. Hogeboom	1941-

FERGUS

T. H. Pleasants, M. D.	1920-
Curtis W. Milder, M. D.	1927-
C. C. Wallin, M. D.	1932-
Bessie O'Hara, Acting	1943-1946
J. W. Schubert, M. D.	1946-

FLATHEAD

Whitefish:

Dr. Alfred Long	1917-1935
John E. Austin	1955-present

Callaway:

L. A. Callaway, M. D.	1920-July 1921
J. A. Callaway, M. D.	Aug. 1921-Dec. 1923
J. A. Callaway, M. D.	1924-1926
J. A. Callaway, M. D.	May 1926-Feb. 1928
J. A. Callaway, M. D.	1927-May 1929
J. A. Callaway, M. D.	June 1929-June 1930
J. A. Callaway, M. D.	July 1930-April 1953
Ray Conick, M. D.	1953-

GALLATIN

T. P. Mott, M. D.	April 1919-April 1921
C. Floyd Jump, M. D.	May 1921-Dec. 1927
Jos. Piedaluno, M. D.	Jan., 1928-May 17, 1929
A. D. Brewer, M. D.	May 21, 1929-Nov. 1943
Margaret Conick	Dec. 1943-June 1952
C. W. Hammer, M. D.	July 1952-Sept. 1952
Thomas Pardue, M. D.	Sept. 1952-June 1953
C. W. Hammer, M. D.	June 1953-June 30, 1963
Elaine Karr	July 1963-July 30, 1964
Helen Anderson	Aug. 1964-

GARFIELD

James Cleveland	Feb. 1920-
Pearl Winfield	July 1920-
C. F. Wilson	March 1923-1968
Delpha Armstrong	Jan. 1, 1969-1971
Dorothea Hallberg	1971-

GLACIER

Cut Bank:

P. O. Neraal, M. D.	1920-1959
Pauline Neraal	6/1/1959-

Browning:

Clara Mc Petridge	1920-
Stuart Haylett	1920-
W. L. Kell, M. D.	1920-
J. W. Craig	Jan. 1923-
Isabelle P. Haygett	
W. L. Kell	Sept. 1932-
W. L. Kell	July 1932-
W. L. Kell	Aug. 1932-
W. L. Kell	Jan. 1948-
W. L. Kell	Dec. 1948-
W. L. Kell	July 1, 1954-

ELIOT COUNTY

J. E. Campbell	1920-
J. E. Campbell	May 1923-
J. E. Campbell	1927-
J. E. Campbell	1930-
J. E. Campbell	April 1955-
J. E. Campbell	1959-
J. E. Campbell	1970-

ELIOT

M. E. Fowler	1920-
A. C. Keith	1923-
J. E. Campbell	May 1923-
Sarah M. Guyer	1924-
Joyce Mason	April 1925-

ELIOT

Mrs. E. M. Allen	Jan. 1920-Jan. 1922
Margaret J. Allen	Jan. 1922-March 1923
Stan Snyder	March 1923-July 1924
Dorothy Jones	July 1924-January 1925
Edith Webster	January 1925-July 1926
Julia Onberg	July 1926-September 1926
Jane E. Parsons	September 1926-

JEFFERSON

Boulder:

J. E. Wila	1920-
L. E. McColley	1937-
A. O. Peterson	1939-
Alta M. Dawson	1941-
Joanne McFarlane	Jan. 1971-

Whitchell:

Andrew Less	1920-
S. M. Wolverton	1924-
B. L. Golden	1922-
K. M. Scott	1945-
Leonard G. Scott	1964-

Three Forks:

N. M. Kvalnes	1920-
---------------	-------

Fred. A. M. ...
 Mrs. A. A. ...
 Dr. ...
 ...
 ...
 ...

1900-1907
 1908-1911
 July 1917-July 1919
 Jan. 1919-July 1, 1919
 Jan. 1919-

INDEX

Wilson:

Alfred Page	1920-
A. C. Rely	1927-
J. L. Richards, M. D.	1932-
Ida Farrell	1939-
H. L. Kochler, M. D.	1939-
Ruth Lee	1944-
Earl S. Ferrell	1946-
Mrs. Earl Ferrell	1959-
Margaret Seines	1965-
Ethel Harding	1968-

St. Ignatious:

Chris Hoeschen	1920-
M. M. Twitchell	1925-
George C. Beechler	1946-
F. E. Sullivan	April 1947-
Joe Fearon	Sept. 1948-

LEWIS & CLARK

Augusta:

R. S. Wright	1920-
C. Stratton	1925-
F. M. Mack	1933-

Helena:

Max Barbour, M. D.	1917-1921
Arthur Jordon	Dec. 1921-Sept. 1932
Mr. Copenhagen	Sept. 1932-Jan. 1935
C. F. Jump (city) - E. L. Gallivan (Co.)	Jan. 1935-Oct. 1937
R. G. M. Ehers	Oct. 1937-June 1938
L. F. Hall	Sept. 1938-March 1942
L. D. Fricks	Sept. 1942-July 1943
R. J. Shale, M. D.	Sept. 1943-Dec. 1946
L. W. Cooney	Jan. 1947-Sept. 1949
E. A. Buckner	Oct. 1949-May 1955
Wille C. Richards	May 1955-April 1961
Victoria C. McKellis	May 1961-July 1964
Katherine Dawson	August 11, 1964-

LIBERTY

Members:

- Wm. H. McGavin
- J. A. Grice
- E. M. Smith
- T. E. Lewis
- H. B. Reaney
- T. A. Leire
- John J. Hutchinson
- C. L. Jones
- G. W. Stearns
- James F. Miller
- William Franklin

Feb. 1900 - y 1902
May 1902 - Feb. 1904
Sept. 1904 - Feb. 1910
Jan. 1911 - Feb. 1911
Feb. 1911 - Sept. 1913
Oct. 1913 - Dec. 1914
Feb. 1915 - Feb. 1916
Jan. 1917 - Feb. 1917
Jan. 1918 - Feb. 1918
July 1918 - Feb. 1920
Jan. 1921 - Feb. 1921
Feb. 1921 - Feb. 1921

Dr. J. H. Morrison
F. A. & Ethel Long
Chas. J. Martin
P. Baxter
J. M. Cairns, M. D.
James A. Hull
H. Gilbertson
Joanne R. Kerschner

1900-1920
1920-1922
1927
1922-1944
1944-1952
July 1953-
May 1955-
May 1955-

MC CQD

Clarence E. Hitchenson
B. S. Rundle
F. E. Richard
Chas. Gordon
Alma Storm
Elsie Brody
Arnold Schalberg
Bertha Reisz
Doris Kleppelid
Alice E. Halben
Gloria Larson

1920-
1920-1921
1920-1924
1921-1940
1922-1934
1934-1938
1938-1942
1942-1961
1961-1969
1969-1971
1971-

MADISON

Virginia City:

L. F. Molleur, M. D.
E. D. Baker
E. L. Sutherland
Andrew Lewis
T. G. Chesley, M. D.
E. A. Grant, M. D.
T. P. De Cler, M. D.
J. A. Henry
W. F. Harris
J. F. McMillan

1920-
1920-
1920-
1920-
1920-
1920-
1920-
1921-
1922-
1923-

...	1915
...	1916
...	1917
...	1918-1919
...	1916-
...	January 1971-

Charter:

...	1920-
...	1920-
...	1964-

LEAGUE

J. D. Shorey	July 1919-1920
Luella A. Watson	June 1920-July 1920
M. E. Finn	April 1921-1922
R. W. Wright	January 1922-February 1922
Dorothy Johnston	October 1922-December 1922
Helen E. Brady	January 1923-December 1923
Fred P. Bears	January 1924-

MIDVAL

Elmer Patsler	1920-
F. H. Fulsher	1920-
P. T. McCarthy, M. D.	1921-
Richard Torpin	1921-
E. H. Field	1921-
I. J. Doyle	1921-
H. H. Grayner	1946-
E. H. Riefflin	1950-
Adelaide Hodgins	1962-

MISSOULA

John Hoidelron - J. R. Ritchey	1920-
T. A. Matthews	1920-
F. D. Peace	1920-1947
L. E. Henderson	1920-
J. M. Nelson	1947-
Mary Soules	April 1952-
Hugh Tripplehorn	Jan. 1956-
T. J. Bridenstrine	October 1959-
F. M. Giddens	December 1960-
...	Sept. 1961-
...	1970-

D. L. ...	1920-
E. L. ...	1920-
F. L. ...	1920-
G. L. ...	1920-
H. L. ...	1920-
I. L. ...	1920-
J. L. ...	1920-
K. L. ...	1920-
L. L. ...	1920-
M. L. ...	1920-
N. L. ...	1920-
O. L. ...	1920-
P. L. ...	1920-
Q. L. ...	1920-
R. L. ...	1920-
S. L. ...	1920-
T. L. ...	1920-
U. L. ...	1920-
V. L. ...	1920-
W. L. ...	1920-
X. L. ...	1920-
Y. L. ...	1920-
Z. L. ...	1920-

PARK

Dr. Leard	1920-1956
Dr. L. M. Baskett	1956-1960
Dorothy Fish	1960-

PETROLEUM

J. L. Alexander	Feb. 1925-March 1926
Alice Rutledge	March 1926-Dec. 1926
Aranda Swift	April 1926-
O. E. Rice	April 1927-March 1928
Ada Stouffer	July 1928-December 1928
May Vortver	January 1929-August 1932
Dorothy Bowen	January 1934-November 1940
Mrs. Velma Werten	April 1941-November 1942
Mrs. Bonny Dangel	December 1942-March 1969
Miss Doris Carrell	April 1969-

PHILLIPS

O. P. Sponefeldt	1920-
Anna B. Smith	1921-
Mrs. G. B. Ludwick	1922-1924
C. E. Blankenhorn, M. D.	1924-1926
A. N. Currie, M. D.	1926-1931
G. W. Setzer	1931-1935
Nellie Chase	1935-1952
Esther R. Martin	1953-1954
Kathryn P. Dell	1954-1971
Mrs. Doris Rummel	January 1971-

PONDERA

W. H. De Boer	1950-1960
G. P. ...	1960-1969
H. ...	1971-
I. ...	1971-1987
J. ...	1988-

2000

RAVALLI

W. H. ...	1900
J. H. ...	1900
J. H. ...	1900
J. H. ...	1900
J. H. ...	1900
J. H. ...	1900-1905
J. H. ...	1905-

Molt Print:

Charles Gordon	1900-1905
C. J. ...	1900-1905
F. I. ...	1900
A. O. ...	1900
Emil Umbreit	1900
Eloise Billings	1900-1905
Stewart ...	1900-1905
F. A. ...	1900-1905
P. G. ...	1900-1905
Lucille ...	1900-1905
E. A. ...	1900
A. E. ...	1900
Eloise Mackenstadt	1900
Eleanor A. Schmeltzer	1900

Poplar:

H. E. ...	1900
M. G. ...	1907
Eloise Billings	1907
Johnnie Weeks	1908
Doris Strackan	1941
Susan Archdale	1945

ROSEMUD

Lame Deer:

Elizabeth Rowland	1922-1943
H. E. ...	1925
Mildred Kerner	1926
K. Louise Milker	1946
Martha Fowler	1945
Aileen Montgomery	1945
Edith Cain	1948-1950
Marie V. Smart	1950
Eloise Beartuck	1955-1962

J. J. Macgregor, M. D.	1932-1937
J. J. Macgregor, M. D.	1937-1941
J. J. Macgregor, M. D.	1941-1947
R. C. Macgregor, M. D.	1947-1951
R. C. Macgregor, M. D.	1951-1954
J. F. O'Leary	1954-1958
J. F. Garvey	1958-1960
R. C. Macgregor, M. D.	1960-1969
M. C. Macgregor	1969-
E. L. Jones	1961-1963
M. C. Macgregor, M. D.	1963-

SECRETARY

E. L. Harris	1916-May 1931
Alice I. McColley	June 1931-Dec. 1940
Mabel Kern	Jan. 1941-July 1941
M. E. Craig	Aug. 1941-Feb. 1960
Jessie Bishop	March 1960-present

SUPERVISOR

J. H. Lowry	1919-Nov. 1939
Mrs. J. H. Lowry	Dec. 1939-June 1961
Dean Lowry	June 1961-present

STENO

H. F. Rhoades	1920-1928
H. W. Bateman, M. D.	1928-Dec. 19, 1931
R. O'Neill, M. D.	Sept. 1932-1935
E. B. Maynard	Dec. 1935-1939
Arthur McAuley, M. D.	Dec. 1939-June 1941
L. S. Cravey, M. D.	June 1941-July 1941
Gordon Halberg, M. D.	July 1941-1944
G. L. Banks	Sept. 1944-1947
Elmer Erickson	June 1947-present

TRUST

M. D. Riddle	1920-1944
Malcolm P. Lyon	1944-May 1951
Vivian S. Hall	May 1952-present

W. H. Brown, M. D.	1920-1921
W. H. Brown	1920-1922
W. H. Brown, M. D.	1921-1922
W. H. Brown, M. D.	1921
W. H. Brown	1922
W. H. Brown, M. D.	1922-1924
W. H. Brown, M. D.	1924-1925
Joseph McCallister Mrs. H. J. Kent	1925-1926
Joseph McCallister	1926-1927
Joseph McCallister	1927-present

WILLY

Charles E. Peterson	1920-July 1925
Mary Lou Bide	August 1925-present

WINDSTAND

S. H. Campbell	1920-
E. M. Gang, M. D.	1920-
L. G. Harris, M. D.	1930-Sept. 1938
R. G. Johnson, M. D.	October 1938-

WINDY

E. E. Gines, M. D.	1920-March 1924
E. W. Tompkins (Carlyle)	1920-March 1925
T. W. Barry	April 1924-November 1924
E. H. Fields, M. D.	December 1924-April 1925
Jessie Stanchfield	May 1925-October 1925
F. L. Modern, M. D.	November 1925-July 1926
Jessie Stanchfield	August 1926-August 1929
G. E. Waller, M. D.	Sept. 1929-October 1939
E. F. Noonan, M. D.	November 1939-December 1939
Bernice Sommerfeld	January 1936-present

YELLOWSTONE

Dr. J. E. Wernham	1920-1950
Dr. C. H. Nelson	July 1951-1958
Dr. O. W. Baltrusch	1958-present

ANNUAL WORK LOAD

WORK LOAD INDICATORS: Montana Vital Statistics 1937 - 1970

Year	Certified Copies Issued	Verifications	Corrections	Phone Calls	Customers	Adoptions	Total	M A I L			Quantity
								Corrections	Searches	Replies	
1970	10,615	3,281	2,192	5,486	1,406	1,077	26,587	1,693	11,852	13,672	21,170,00
1969	10,405	3,251	2,200	5,285	1,479	1,040	27,015	1,509	12,175	12,735	23,770,00
1968	10,767	2,800	2,323	5,773	1,447	1,016	27,726	1,737	12,141	13,755	21,400,00
1967	10,419	2,573	2,031	5,354	1,354	1,000	26,118	1,851	12,491	13,776	22,712,00
1966	9,523	2,865	2,007	5,400	1,197	931	27,359	1,750	12,003	13,605	18,000,00
1965	9,103	2,739	2,058	4,004	1,051	821	24,673	1,679	10,594	12,460	13,116,00
1964	9,117	2,211	1,958	4,477	864	857	22,092	1,657	9,841	10,550	9,112,00
1963	9,111	2,207	2,227	4,309	919	853	22,744	1,693	10,165	10,805	9,120,00
1962	9,097	2,120	1,870	4,193	805	781					9,111,00
1961	9,117	1,882	1,698	4,513	1,117	633					9,120,00
1960	8,275	1,660	1,794	4,000	815	663					8,255,00
1959	7,745	1,475	1,918	4,345	1,120	577					7,735,00
1958	7,817	1,286	2,000	3,601	669	615					7,735,00
1957	9,173	1,429	2,209			567					9,173,00
1956	8,561	1,431	2,101	3,100	1,001	509					8,561,00
1955	7,771	1,378	2,075	3,604	1,023						7,771,00
1954	6,966	1,251	2,086			534					6,966,00

1937

Certified
Copied
Issued

M A I L

Y	Verifications	Corrections	Phone	Customers	Adoptions	Total	Corrections	Search	Page
1955	7,053	1,987			447	6,269.00			6,269.00
1952	7,634	2,205			467	6,800.00			6,800.00
1951	6,459				491	5,601.25			5,601.25
1950	4,972				457	3,951.25			3,951.25
1949	4,416				423	3,365.50			3,365.50
1948	3,167					3,497.00			3,497.00
1947	3,825					3,170.00			3,170.00
1946	5,136					3,700.00			3,700.00
1945	7,213					5,700.00			5,700.00
1944	7,459					7,511.17			7,511.17
1943						11,700.00			11,700.00
1942						26,815.00			26,815.00
1941						14,913.00			14,913.00
1940						6,572.25			6,572.25
1939						2,200.00			2,200.00
1938						1,000.00			1,000.00
1937						1,311.00			1,311.00

W P A P R O J E C T

FOREWORD

Vital Statistics have, as their basic element, the registration of births, deaths, marriages and divorces, and have to do with the tabulation and study of these basic facts as they relate to human characteristics of specified areas for definite periods of time. Correlated with these, and fundamental in their study, are such factors of population as sex, race, marital conditions, occupations, age groupings and the like.

The State Bureau of Vital Statistics of Montana was created by the Legislature of 1907 and has since then been in existence. It was created for the complete and proper registration of births and deaths for legal, sanitary and statistical purposes. The Bureau has under the supervision of the State Registrar, who is appointed by the State Registrar of Montana, the following duties: to receive and file all birth and death records as they are reported to the State Registrar by the Local Registrars and to issue the birth and death certificates as they are requested by the District Court in their respective jurisdictions.

The Health Officer of each city or town in Montana is appointed by the immediate district, and when so appointed he acts as the Local Registrar. He is authorized to appoint any person to act as sub-registrar for a district. Any Justice of the Peace is permitted to act as Local Registrar when requested to do so by the State Registrar. The duties of the Local Registrar are to collect the birth and death records for his district from the persons responsible for filing them (Physicians, Midwives and Morticians) and to check his district at regular intervals to ascertain if all births and deaths occurring are properly filed. On or before the 5th day of each month, he must transmit to the State Registrar the original birth and death records collected by him for the preceding month. Duplicate records must be filed with the County Clerk and Recorder of the county in which the birth or death occurs.

Death reporting became accurate and complete much more rapidly than did the birth reporting. Montana was admitted to the United States Registration Area for deaths in 1910 when it was proved to the Federal Census Bureau that we were registering over 90% of the deaths occurring in the state. Satisfactory birth reporting was not reached until about the end of the 1910 decade. In 1921 the Census Bureau tested our accuracy of birth reporting and found that we were recording 98.0% of the births occurring and we were accordingly admitted as the 24th State to the Birth Registration Area on January 1st, 1922. Recent checks indicate that we are recording 99.5% of the deaths and 98.0% of the births occurring in Montana.

There is scarcely a walk in life in which a certified copy of a birth or death certificate may not prove of inestimable value. A death certificate will prove fact and cause of death for insurance, estates, compensation or compensation; for circumstances, time and date, age, sex, race, nationality; for name of spouse or parents; while a birth certificate will prove the date for school entrance, working permit, auto license, voting, marriage, civil service, military service, pensions, social

Public records of vital statistics in Montana consist of those relating to births, marriages, deaths and divorces. State registration of the births and deaths that occur within the state has been required since 1907. Each county also keeps records of the births and deaths that take place within the county's boundaries. State registration has been provided for marriages and divorces, such records being kept by the clerk of the district court of each county and consist of only the marriages and divorces that have taken place in that particular county.

An adequate and efficient system for keeping public records of vital statistics is important, not only for legal reasons, but also for sanitary and statistical purposes. Birth records are especially valuable in obtaining passports and establishing eligibility for old age pensions. The system of keeping records of vital statistics in Montana would be greatly improved if a central registration bureau for divorce decrees and marriage certificates could be established under state supervision. Unless the county where the marriage took place, or the divorce was granted, is known, a person desiring information on a Montana marriage or divorce, under the present system, must query clerks of the district courts of the 56 counties of the state. A central bureau for these records would provide prompt and efficient service to the public and would eliminate the present inconvenience in searching for marriage and divorce records kept in so many places.

In Montana's territorial period, the only public records of vital statistics kept were those of marriages and divorces. Marriage records, consisting of marriage certificate, date back to 1865 in Deer Lodge, Gallatin, Lewis and Clark, and Missoula counties. Marriage licenses do not appear in the records until 1867, which was the year when the law requiring licenses was enacted. The marriage records from 1865 to 1867 are generally found in the clerk and recorder's office of the county in which the marriage took place, though in some of the older counties, the clerk of the district court has been given the custody of all of the marriage records.

Marriage records from 1867 to date may be found in the offices of the clerk of the district courts of the several counties. As a rule, they consist of bound volumes containing such records as applications for licenses, recorded copies of marriage certificates and licenses and a marriage register which, in some instances, is also an index. In many of the counties there are index volumes which serve all of the marriage records. Original marriage licenses which have been returned for recording are in many of the counties in file drawers or file boxes. Several of the counties have on file records of the common law form of marriage generally known as marriage by declaration.

The titles of the marriage records vary, but those in most general use are: "Marriage Licenses", "Index to Marriages", and "Declarations of Marriage". Almost without exception at least two records of marriage, the original licenses and the recorded copies of the certificates, are maintained in each county.

Divorce records, consisting of divorce case papers, orders and decrees, have been kept in Montana since the organization of the territory. These records have always been in the custody of the clerks of the district courts of the several counties. The earliest records date back as follows: Madison County, 1864; Deer Lodge, Lewis and Clark and Gallatin Counties, 1865; Missoula County, 1877, and Wheatland County, 1888.

The original divorce case papers, such as complaints, answers, orders and decrees, are kept in file boxes or file drawers along with the case papers of other forms of civil actions. These file boxes or file drawers are generally entitled "Civil Actions" or "Civil Cases". The contents are almost invariably arranged numerically by case numbers, and each box or drawer is labeled by the inclusive numbers of the contained documents. In almost universal use also are bound volumes, generally entitled "Register of Actions" or "Register of Civil Actions", in which are entered all papers, orders and decrees connected with divorce actions. This register is arranged in many of the counties alphabetically by names of plaintiffs or defendants, and serves as an index to the civil case papers, which include divorce case papers and decrees. The register in some counties is arranged numerically and has a self-contained index. In a few counties the general index volumes to court records are the only indices to the divorce records. In two counties, Golden Valley and Jefferson, copies of divorce decrees are recorded in separate bound volumes.

No birth or death records were kept in Montana until legal provision was made in 1898 for the recording of births and deaths by the county clerks of the several counties. Many certificates covering the birth of persons, born in Silver Bow County, prior to 1898 have been registered, thus extending the dates in the county clerk's register back as far as 1878. Following the same practice, Yellowstone County now has birth records dating back to 1884; Park County, 1885; and Beaverhead County, 1894. In the other counties of the State, there are no birth records on file earlier than 1898.

In the majority of the counties duplicates of certificates for births within the county are on file in either drawers or loose-leaf volumes. These records are generally entitled "Birth Certificates", or "Certificates of Birth", and are arranged, except in a few instances, numerically by certificate number. The county clerk, who is the custodian of the birth and death records kept by the counties, also keeps bound volumes in which all birth certificates on file are registered. These volumes, which generally are entitled "Birth Record", "Record of Birth", or "Register of Births", are in most instances arranged alphabetically by the family name of the child or parents, and also serve as indices to the certificates.

In a few of the counties birth and death records are combined, and when this is the case such records are generally entitled: "Birth and Death Certificates", or "Register of Births and Deaths", or "Birth and Death Record".

In an effort to make more uniform the birth and death records in Montana, the State Board of Health, in 1905, issued a set of instructions and forms for the recording of births and deaths, and provided for a uniform system of recording, including instructions, and provided for a uniform

From the birth records kept by county clerks and also made copies of the certificates issued by them, prior to 1907 and sent them to their respective county clerks to be recorded by those officials. Since passage of the 1907 registration law and since then, except in a few instances, have not kept local records. In 1919 the forms of the birth and death certificates were changed to include facts considered important which were not contained in the forms provided by the 1907 act.

Since 1907 the State Registrar of Vital Statistics at Helena has assembled and kept complete records and indices of all births and deaths in Montana. Persons born before the registration law of 1907 became effective are permitted, on payment of a fee of one dollar (\$1.00), to record their births, provided their certificates are either certified by recognized authorities, or are supported by acceptable affidavits. This provision has enabled the State Registrar to extend dates in his birth records to as far back as 1862. Death records kept by the State registrar do not contain entries earlier than 1907.

The earliest death records kept by county clerks are: Yellowstone County, 1864; Silver Bow County, 1880; and Cascade County, 1893. No other counties have death records earlier than 1863. Records of deaths kept by county clerks consist of certificates (duplicates) and registers. The latter generally serve as indices to the certificates. In some counties, as has been mentioned, birth and death records have been combined. The certificates are kept either in file drawers or in loose leaf volumes, while the register is a bound volume. The titles generally used for death records are: "Death Certificates", "Certificates of Death", "Death Register", "Register of Deaths" and "Death Record". The arrangement of the county clerk's death records is generally similar to that of his birth records.

In a few of the larger counties the offices of the boards of health keep triplicates of birth and death certificates on file. In the majority of the counties the district registrars and sub-registrars, who are, as a rule, the local or county health officers, send in original death and birth certificates to the State Registrar, and duplicates to the county clerks of their respective counties, but do not keep copies of such certificates in their own offices.

The churches of Montana present a source of information concerning births and deaths during the territorial period when no public birth or death records were kept. The Methodist, Catholic, and Episcopal Churches at Virginia City, Butte, Helena, Deer Lodge, Missoula and Fort Benton have records of baptisms, marriages and burials dating back to before 1870. All these churches have been established in various parts of Montana prior to statehood in 1889, and their records are usually available for inspection. Each individual church keeps separate records,

and are generally in the custody of the pastor or minister at the parish church. Such records, when made, were kept in what the church was capable of, and, and cover the period from the time of the present date. Records of churches of the larger denominations are generally in the form of minute books and registers, the latter recording baptisms, marriages and funerals. Churches which do not keep registers usually have the facts concerning baptisms, marriage ceremonies and funerals entered in minute books.

Undertakers, sextons and persons in charge of cemeteries are additional sources of information on deaths. Such persons maintain registers in which are entered the names of deceased persons, dates of deaths, and dates of burial, cremation or removal.

The usual source of information on marriages and divorces is the clerk of the district court of the county in which the marriage or the divorce was granted. On payment of a fee of fifty cents (50¢) for the certificate and seal; and fifteen cents (15¢) for each folio of one hundred words or less, the clerk of the district court will issue a certified copy of any marriage or divorce record in his possession. In some counties the marriage records prior to 1907 are in the custody of the county clerk whose charge is twenty five cents (25¢) for a certified copy.

If the place of birth or death is known, a certified copy of any record of birth or death on file may be obtained from the county clerk of the county on payment of a fee of twenty-five cents (25¢). The county clerk's offices in the several counties are the best sources of information on births and deaths from 1895 to 1907 as most of the records of the State Registrar do not extend beyond 1907.

Inspection of church records for information on early births or deaths, which cannot be found in the public records of the state or the several counties, generally can be arranged by making an appointment for that purpose with the minister or pastor of the church. By following this procedure information also can generally be obtained concerning any early funeral or burial records in possession of undertakers, sextons or persons in charge of cemeteries.

Law Concerning Birth Records

Birth Registration

No legal requirement for keeping birth records was enacted in Montana until 1890, when the legislature enacted a law requiring all physicians and midwives to keep a registry of the time of each birth at which they assist professionally, the sex, race, and color of the child, and the names and residences of the parents.⁴ The same legislature also enacted laws requiring persons registering births to file certified copies of their registry with the county clerk.⁵ This provision, however, was repealed in 1921.⁶ A provision, passed in 1895, requiring parents to report births to the county clerk when no physician or midwife was in attendance, remains in effect.⁷

The 1895 legislature enacted another law, still in effect, which required the county clerk to keep a separate register to be known as the "Register of Births". In this register he was required to number each birth in the order in which reported to him and to state, under proper headings, the various facts contained in the certificate and the names of the persons making the report. The county clerk was required to examine each report carefully and register each birth but once, notwithstanding it might be reported by different persons.⁸

State Bureau of Vital Statistics

In 1907 the legislature created the State Bureau of Vital Statistics to provide for a complete and proper registration of births. This bureau was placed under the supervision of the Secretary of the State Board of Health and he was named State Registrar. He was empowered to make and enforce such rules and regulations for registration as he might deem necessary to carry out the provisions of the new registration law, with the approval of the majority of the members of the State Board of Health.⁹

Public Registration

The act made the local health officers of each city or town, local registrars of births and prescribed their duties. The State Registrar, with the approval of the State Board of Health, was also empowered to appoint suitable persons to act as sub-registrars, with the power to issue certificates and subject to the same rules and obligations as local registrars, and required to make returns directly to the State Registrar. When called upon by the State Registrar, any justice of the peace is required to act as registrar of births for the district in which he resides.⁷

⁴ Laws of Montana, 1890, ch. 20, sec. 3; 1891, sec. 2516.
⁵ Laws of Montana, 1890, ch. 20, sec. 3; 1891, sec. 2516.
⁶ Laws of Montana, 1921, ch. 20, sec. 3; 1922, sec. 2516.
⁷ Laws of Montana, 1895, ch. 20, sec. 3; 1907, sec. 2516.
⁸ Laws of Montana, 1895, ch. 20, sec. 3; 1907, sec. 2516.
⁹ Laws of Montana, 1907, ch. 20, sec. 3; 1908, sec. 2516, 2517.

BIRTHS (Legal Essay)

In 1913 the registration laws were amended by Acts requiring each local registrar and the sub-registrar, in addition to sending the returns required by law to the State Registrar, to file duplicate returns with the county clerk of the county in which such registrars are located. The returns so filed must be entered by the county clerk in his register of births. All local registrars and sub-registrars, within 90 days after the passage of the 1913 law, were required to prepare copies of all birth returns on file in their respective offices and send such copies to the county clerk of the county in which they are resident. A fee of ten cents (10¢) per copy for each certified true and correct copy was provided, the fee to be paid by the county commission. On the presentation of a duly certified copy, all births must be recorded in the district in which they occur.¹⁰

Responsibility For Filing

The law of 1907, Chapter 10, Section 10, of the Acts of 1907, amended by the 1907 act provided that the physician or midwife attending the birth of a child, or the mother of the child, must file a return of the birth of the child with the local registrar or owner of the residence, or the clerk of the board of health in the city in which the birth occurred.¹¹

Form Of Certificate

Under the registration act of 1907 the form of birth certificate to be used was required to be the standard form recommended by the Bureau of Census and the American Public Health Association.¹² (For description of forms, see entries under State Records.)

The State Registrar is required to supply to all registrars the forms and blanks to be used in the registration, recording and preserving of returns. He must prepare and issue rules and regulations for a perfect system of registration. He is required to arrange, bind and permanently preserve certificates in a systematic manner and to maintain a comprehensive and continuous card-index of all certificates registered. He must annually certify to each county treasurer the number of certificates registered from the county, the names of the local registrars, and the amounts due each one.¹³

Duties Of Local Registrars

Local registrars are required to supply blank forms of certificates to such persons as require them, and must carefully examine each certificate presented

- | | |
|--|---|
| 10. <u>Act. S. L., 1907</u> , ch. 25, sec. 4; <u>Act. R. C., 1908</u> , sec. 2513. | 11. <u>Act. S. L., 1907</u> , ch. 25, sec. 5; <u>Act. R. C., 1908</u> , sec. 2514. |
| 11. <u>Act. S. L., 1907</u> , ch. 25, sec. 6; <u>Act. R. C., 1908</u> , sec. 2515. | 12. <u>Act. S. L., 1907</u> , ch. 25, sec. 11; <u>Act. R. C., 1908</u> , sec. 2516. |

FEES (Legal Duty)

To ascertain if a birth has been registered in the local record of the State Registrar, the local registrar must receive and file a certificate of birth, and if they do not, the local registrar must file a certificate of death consecutively, from the date of the birth or death, to the calendar year, and sign their name in every of the date of filing. It is also required that the local registrar keep complete and accurate copies of each certificate on forms in which each original, such copies to be filed and preserved as the local birth record in the manner directed by the State Registrar. On the fifth day of each month the local registrar must transmit to the State Registrar all the original certificates filed during the preceding month. If no births occur in any month, he must report such fact on the fifth day of the following month to the State Registrar.¹³

Reporting Fees

Each person authorized to file birth certificates is entitled to receive fifteen cents (15¢) for each certificate he or she correctly and legibly executes and files. The State Registrar must annually certify to the county treasurer the number of births registered, the names of the persons registering them, and the amounts due each person.¹⁴

Registration Of Physicians

Every physician, midwife and undertaker must without delay register his or her name, address and occupation with the local registrar of the district in which he or she resides. After registration, such persons shall be furnished with copies of the law in regard to birth and death registrations, and of the rules and regulations of the State Registrar.¹⁵

Hospital Registration

Superintendents, managers or persons in charge of hospitals or institutions, public or private, are required to keep records of all personal and statistical particulars relative to inmates on certificate forms provided by the State Registrar.¹⁶

Fees Of Registrars

For each certificate properly executed and filed with them, the local registrars and sub-registrars are entitled to twenty-five (25¢), payable by the County Treasurer on certification by the State Registrar.¹⁷

13. Minn. S. S., 1907, ch. 25, sec. 14; Minn. S. S., 1908, sec. 2532.
14. Minn. S. S., 1907, ch. 25, sec. 15; Minn. S. S., 1908, sec. 2534.
15. Minn. S. S., 1907, ch. 25, sec. 16; Minn. S. S., 1908, sec. 2535.
16. Minn. S. S., 1907, ch. 25, sec. 17; Minn. S. S., 1908, sec. 2536.
17. Minn. S. S., 1907, ch. 25, sec. 18; Minn. S. S., 1908, sec. 2537.

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Penalties

Any physician, nurse or person responsible for recording births, who shall neglect or refuse to make and file the birth certificate required by law, is guilty of a misdemeanor and, upon conviction, shall be fined not less than five dollars (\$5.00), nor more than fifty dollars (\$50.00) for each offense. Registrars, or sub-registrars, who neglect or fail to enforce the provision of the registration law in their respective district, or who refuse or neglect to perform any of the duties imposed upon them by law or the regulations of the State Registrar, are guilty of a misdemeanor and upon conviction, shall be fined not less than ten dollars (\$10.00), nor more than one hundred dollars (\$100.00).¹⁸

Enforcement

Under the supervision of the State Registrar, the local registrars and sub-registrars are responsible for the strict enforcement of the provisions of the registration act in their districts. They are required to report immediately to the State Registrar any violation of the law coming to their notice. The State Registrar is charged with the efficient execution of the registration act in every part of the State. He has authority to investigate irregularities or violations of the laws and may call on local registrars and sub-registrars to aid him in his investigations. When he deems it necessary, he must report violations of the law to the prosecuting attorney of the county involved, with a statement of the facts and circumstances. When such cases are reported to them by the State Registrar, prosecuting attorneys are required to institute court proceedings against persons responsible for violations of the registration laws. Upon request of the State Registrar, the Attorney General is required to assist in the enforcement of the registration laws.¹⁹

Certified Copies

Every county clerk is required, on demand, to issue a certified copy of any record of birth on file in his office. He must receive on behalf of the county for such certified copy the sum of twenty five cents (25¢). The regulations of the Montana State Board of Health require a fee of one dollar (\$1.00) for a certified copy of any birth record on file in the office of the Bureau of Vital Statistics at Helena. A fee of fifty cents (50¢) per hour or fraction thereof, is charged by the State Board for a search of the records. For this latter fee a birth notification will be sent. For filing a record of a birth which occurred prior to June 1, 1907, the State Board requires a fee of one dollar (\$1.00).

18. Mont. Stat. Ann., sec. 2330. 19. Mont. Stat. Ann., sec. 2331. 20. Mont. Stat. Ann., sec. 2332.

LEGISLATION

Law Governing Marriage Records

During the territorial period in Montana, marriage licenses were not required, but from the beginning of Montana Territory the person solemnizing a marriage was required to file with the county clerk and recorder a certificate that he had performed the marriage ceremony, the certificate to be recorded by the county clerk and recorder.¹

In 1837 the legislature provided that previous to any marriage, a license must be obtained from the county clerk of the county wherein the marriage was to take place.²

The licenses were to contain the names of the contracting parties, the christian and surnames of the fathers of both parties, the christian and maiden names of the mothers of both parties, the residences of both parties, place and date of birth, their color and whether previously married or divorced. Prior to the issuing of the license, the county clerk was required to record it in a book to be provided for that purpose.³ However, the extraordinary session of the legislature of the same year (1837) transferred the duty of issuing marriage licenses to the judge of the probate court.⁴

When Montana became a state in 1889, the Constitution provided that the duties of the probate judges in regard to issuing marriage licenses and filing and recording marriage certificates, until otherwise provided for by law, should be performed by the clerks of the district courts of the respective counties.⁵

Confirming the clerk of the district court in his duties with respect to marriage licenses, the Legislature of 1896 provided that previous to the solemnization of any marriage in Montana, a license for that purpose must be obtained from the clerk of the district court of the county wherein the marriage is to take place.⁶

Applications for marriage licenses may be made by either party, or his or her agent or attorney. The clerk of the district court may, in his discretion, require that the necessary information be given under oath, and he is authorized to administer oaths for such a purpose. When applications are made by mail, the statement of the facts and testimony to properly make out such license must be accompanied by an affidavit as to the correctness of such facts, and the affidavit to be made before a justice of the peace, notary public, or any other person authorized to administer oaths. In the case of a minor, the consent of the parent or guardian must be given to the same manner.⁷

1. Mont. Terr. Laws, 1820, ch. 1, sec. 1.
2. Mont. Terr. Laws, 1837, ch. 1, sec. 1.
3. Mont. Terr. Laws, 1837, ch. 1, sec. 1.
4. Mont. Terr. Laws, 1837, ch. 1, sec. 1.
5. Mont. Const., art. 1, sec. 12; Mont. C. C., art. 1, sec. 371.
6. Mont. C. C., art. 1, sec. 371.
7. Mont. C. C., art. 1, sec. 371.

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Prior to the issuing of a marriage license, it must be recorded in the office of the clerk of the court in a suitable book provided for that purpose.⁸ If it shall appear that either of the parties are legally incompetent, or that there is any impediment in any way, or if either party is a minor and the consent of the parent or guardian has not been obtained, the clerk of the court must refuse to grant the license.

In 1935 what is known as the "Gin Marriage Act" was passed. It provided that the clerk of the district court must not issue marriage licenses unless both parties presented health certificates executed within not less than three days nor more than seven days from the time of the application for the license. The Health certificates were required to show the non-existence of any venereal disease as determined by Wasserman tests; the non-existence of tuberculosis in the infectious stages; the non-existence of other infections or communicable diseases, or any disease leading to congenital abnormalities in off-spring; and that both applicants appear to be of sound mind. The act further provided that no marriage licenses be issued until the third day following the receipt of the application and the health certificates.¹⁰ This law was repealed by popular vote in 1936.¹¹

No person authorized to solemnize marriage shall perform such ceremony until the parties have given him the license issued by the clerk of the district court for their marriage. When the ceremony has been completed, the person performing the ceremony shall enter upon the license a certificate of such marriage showing the date of occurrence and attested by two witnesses to the ceremony. The person performing the ceremony must return the certificate within 30 days following the marriage to the clerk of the district court, who is required to record the certificate in the same book in which the marriage license is recorded.¹²

The marriage certificate must be substantially in the following form:

"STATE OF MONTANA)
County of _____) ss.

This is to certify that the undersigned, a justice of the peace of said county (minister of the gospel, judge, etc. as the case may be) did on the _____ day of _____, A.D. 19____, join in lawful wedlock _____ and _____ with their mutual consent, in the presence of _____ and _____, witnesses.

-
8. Mont. Civ. C., 1895, sec. 74; Mont. R. C., 1935, sec. 5713.
 9. Mont. Compiled Stat., 1887, 5th Div., sec. 1417; Mont. Civ. C., 1895, sec. 75; Mont. R. C., 1935, sec. 5714.
 10. Mont. S. L., 1935, ch. 72, secs. 1-4.
 11. Referendum Measure, approved in 1936.
 12. Mont. Civ. C., 1895, sec. 77; Mont. R. C., 1935, sec. 5716.

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Witness my hand
and Seal this _____ day of _____ . " 13

In the majority of Montana counties the application, license and certificate form one page in a bound volume, separated from each other by perforated lines. When the parties apply, the application is filled out and then the license, and the license and certificate are detached, leaving the application as a stub in the volume. The application contains the same information as the license.

The clerk of the district court is required to collect a fee of \$2.00 before issuing a marriage license.¹⁴

Prior to 1923 it was the general practice in Montana for the clerk of the district court to retain the original certificates which had been returned to him for recording. In 1922 the attorney general issued an opinion that such certificates should be returned to the contracting parties after being recorded, and this practice is now the general rule in Montana counties.¹⁵

In Montana marriage is a personal relation arising out of a civil contract to which the consent of the parties, who are capable of giving it, is necessary. Consent alone does not constitute a marriage in Montana. It must be followed by a solemnization, or by a mutual and public assumption of the marital relation.¹⁶

Unmarried males of the age of eighteen (18) years, and unmarried females of sixteen (16) years and upwards, are capable of consenting to the consummating marriage, if not otherwise disqualified.¹⁷ Consent to marriage, and the subsequent consummation of marriage, may be manifested in any form, and may be proved by the same general rules of evidence as in other cases.¹⁸

If either party to a marriage is incapable of entering the marriage relation because of physical causes, or if the consent of either party is obtained by fraud or force, marriage under such conditions is voidable.¹⁹

Marriages between parents and children, ancestors and descendants of every degree, and between brother and sister of the half as well as the whole blood, between nieces and uncles, aunts and nephews and first cousins, and between persons either of whom is feeble minded, are incestuous.

13. Mont. Ter. S. L., 1864-65, p. 409, sec. 5; Mont. R. C., 1935, sec. 5717.

14. Mont. Pol. C., 1895, sec. 4634; Mont. R. C., 1935, sec. 4918.

15. Attorney General's Opinions, vol. 9, p. 48, 1920-22 - Rankin.

16. Mont. Ter. S. L., 1864-5, p. 408, sec. 1; Mont. Civ. C., 1895, sec. 50; Mont. R. C., 1935, sec. 5695.

17. Mont. Civ. C., 1895, sec. 51; Mont. R. C., 1935, sec. 5696.

18. Mont. Civ. C., 1895, sec. 52; Mont. R. C., 1935, sec. 5697.

19. Mont. Civ. C., 1895, sec. 53; Mont. R. C., 1935, sec. 5698.

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and void from the beginning.²⁰ In Montana marriages of whites with negroes, with Japanese or with Chinese are null and void.²¹ Such marriages, when contracted outside of the State by residents of Montana, are void in Montana.²² Persons or officials solemnizing such marriages in Montana are guilty of a misdemeanor, and upon conviction are punished by a fine of five hundred dollars (\$500.00), or by imprisonment in the county jail for one month, or both such fine and imprisonment.²³

A subsequent marriage, contracted by any person during the life of a former wife or husband, is illegal and void unless the former marriage has been annulled or dissolved, or unless such former husband or wife has been absent and not known to be living for five (5) successive years preceding the subsequent marriage, or was generally reputed and believed by such person to be dead at the time the subsequent marriage was consummated. Such subsequent marriages are valid until nullified by a competent court.²⁴

Neither party to a marriage contract is bound by a promise made in ignorance of the other's lack of personal chastity; and the innocent party is released from the contract by unchaste conduct on the part of the other party, except when both parties participate in such conduct.²⁵

Marriages contracted outside of the State, which are valid by the laws of the county in which contracted, are valid in Montana.²⁶

Marriage in Montana must be licensed, authenticated and recorded as provided by the laws of the State, but non-compliance does not invalidate any lawful marriage.²⁷

No marriage solemnized before any person professing to have authority shall be deemed or regarded as void, nor shall the validity be affected in any way by lack of jurisdiction or authority, provided the marriage was consummated with the full belief of the parties, or either of them, that they had been joined in lawful wedlock.²⁸ No particular form of marriage ceremony is required in Montana, except that the parties, in

20. Mont. Civ. C., 1895, sec. 54; Mont. R. C., 1935, sec. 5699.

21. Mont. S. L., 1909, ch. 49, sec. 1; Mont. R. C., 1935, secs. 5700-5702.

22. Mont. S. L., 1909, ch. 49, sec. 4; Mont. R. C., 1935, sec. 5703.

23. Mont. S. L., 1909, ch. 49, sec. 5; Mont. R. C., 1935, sec. 5704.

24. Mont. Civ. C., 1895, sec. 55; Mont. R. C., 1935, sec. 5705.

25. Mont. Civ. C., 1895, sec. 56; Mont. R. C., 1935, sec. 5708.

26. Mont. Compiled Stat., 1887, 5th Div. sec. 1428; Mont. R. C. 1935, sec. 5707.

27. Mont. Av. C., 1895, sec. 70; Mont. R. C., 1935, sec. 5709.

28. Mont. Ter. S. L., 1864-5, p. 410, sec. 9; Mont. Civil C., 1895, sec. 80; Mont. R. C., 1935, sec. 5719.

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the presence of the magistrate or minister and at least two (2) attending witnesses, must solemnly declare that they take each other as husband and wife.²⁹

Whenever a marriage is solemnized according to the provisions of Montana's laws, the person solemnizing the marriage, on request, must give to each party a certificate in which is specified the names of the parties, their residence, the names and residences of at least two (2) witnesses to the ceremony, and the time and place of the marriage.³⁰

Original certificates of marriage, as provided by law, and the record thereof by the clerk of the district court, or a copy of such record, duly certified by the clerk of the district court, shall be received by all Montana courts as presumptive evidence of such marriage.³¹

The legislature of 1895 provided that all persons performing marriage ceremonies must keep registries showing the names of parties married, residences, places of birth, ages, and whether either party has ever before been married. A certified copy of the register was required to be filed with the county clerk quarterly.³² This law, however, was repealed in 1921.³³

In Montana marriages may be solemnized by justices of the peace, judges of the district court, justices of the supreme court, priests and ministers of the gospel of any denomination, or by mayors of cities. Marriages may also be solemnized by religious societies according to the usages of such societies.³⁴

Licenses to minors to marry are not granted in Montana unless accompanied by the written consent of the father, if living, and if not, then of the mother or legal guardian. Such written consent must be sworn to before a justice of the peace, notary or other person authorized to administer oaths, and must be proven by the testimony of at least one competent witness.³⁵

29. Mont. Compiled Stat., 1887, 5th Div., sec. 1426; Mont. Civ. C., 1895, sec. 83; Mont. R. C., 1935, sec. 5722.

30. Mont. Compiled Stat., 1887, 5th Div., sec. 1426; Mont. R. C., 1935, sec. 5721.

31. Mont. Ter. S. L., 1864-5, p. 410, sec. 10; Mont. Civ. C., 1895, sec. 81; Mont. R. C., 1935, sec. 5721.

32. Mont. Pol. C., 1895, secs. 2870 - 2873; Mont. R. C., 1907, secs. 1755 - 1761.

33. Mont. S. L., 1921, ch. 109.

34. Mont. Ter. S. L., 1864-5, p. 409, sec. 3; Mont. R. C., 1935, sec. 5710.

35. Mont. Comp. Stat., 1887, 5th Div., sec. 1415; Mont. R. C., 1935, sec. 5712.

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Persons married without the solemnization provided by law in Montana must jointly make a declaration of marriage showing: Names, residences and ages of parties; the fact and time of marriage; and that the marriage has not been solemnized.³⁶ If no record of the solemnization of a marriage is known to exist, the parties may join in a written declaration of such marriage showing: Names, ages and residences of parties; the fact of marriage; and that no record of such marriage is known to exist.³⁷ Such declarations must be acknowledged and recorded in the same manner as marriage certificates.³⁸

To avoid complying with the provisions of the "Cin Marriage Act" of 1935, many persons during 1935 and 1936 were married by executing written marriage declarations and having them recorded by the clerk of the district court.

There is no legal provision in Montana for State registration of marriages.

The cost of certified copies of marriage license and certificates is fifty cents (50¢) for the certificate and seal of the clerk of the court, and 15¢ additional for each folio consisting of 100 words, or fraction thereof.³⁹

36. Mont. Civ. C., 1895, sec. 85; Mont. R. C., 1935, sec. 5724.

37. Mont. Civ. C., 1895, sec. 87; Mont. R. C., 1935, sec. 5726.

38. Mont. Civ. C., 1895, sec. 87; Mont. R. C., 1935, sec. 5726.

39. Mont. Pol. C., 1895, sec. 4656; Mont. R. C., 1935, sec. 4918.

DEATHS

Laws Governing Death Records

Early Provisions

The first laws providing for the keeping of death records in Montana were enacted by the legislative session of 1895. Physicians, clergymen, coroners, undertakers, and sextons were required to keep registers showing the names, ages, residences and dates of death of deceased persons whom they attended or at whose funerals they officiated, or for whom they held inquests, or whom they buried.¹ The same session also required persons keeping such registers to file certified copies of their registers quarterly with the county clerk.² This latter provision, however was repealed in 1921.³

The 1895 session made it the duty of the county clerk to keep a "Register of Deaths" in which the deaths certified to him must be numbered in the order in which reported. This register was required to contain in separate columns properly headed, the facts contained in the certificates, and the names and official positions of the persons making the reports. The county clerk was required to examine each death report carefully and to register each death but once, irregardless of whether it had been reported by several persons. This law is still in effect.⁴

State Supervision

Realizing that the system of reporting and recording deaths was inadequate, the legislative session of 1907 created the State Bureau of Vital Statistics as a department of the State Board of Health, and made the Secretary of the State Board of Health, the State Registrar in charge of the new bureau. To provide complete and proper registration of deaths for legal, sanitary and statistical purposes, the State Registrar, with the approval of the majority of the State Board of Health, was empowered to make and enforce such rules and regulations as he may consider necessary to carry out the provisions of the registration act.⁵

Registration

Local health officers in cities and towns by this act were made local registrars and the State Registrar with the approval of the State Board of Health, was empowered, when he deemed it necessary for the convenience of the residents of any locality, to appoint sub-registrars. These sub-registrars were to have the authority to receive certificates, issue burial and removal permits in the districts for which they were appointed, and were to be subject to the same requirements and obligations as local registrars. Justices of the Peace were also required to act as

1. Mont. Pol. C., 1895, sec. 2672; Mont. R. C., 1935, sec. 2521.

2. Mont. Pol. C., 1895, sec. 2673; Mont. R. C., 1907, sec. 1761.

3. Mont. S. L., 1921, ch. 109.

4. Mont. Pol. C., 1895, sec. 2675; Mont. R. C., 1935, sec. 2532.

5. Mont. S. L., 1907, ch. 25, secs. 1, 2; Mont. R. C., 1935, sec. 2515, 2516.

PART 3
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local registrars for their respective districts if called upon to serve by the State Registrar.⁶

Under the 1907 act, the body of any person dying in the State cannot be interred or otherwise disposed of or removed from any registration district until a permit for burial or removal shall be properly issued by the registrar of the district. No permit may be issued by the registrar until a complete and satisfactory certificate of death has been filed with him. Still born children, or those dead at birth, are required by the act to be registered as births and also deaths, and certificates of birth and death in such cases must be filed in the usual manner.⁷ The form of death certificate in Montana provided by the Act of 1907 is the standard form recommended by the Bureau of the Census and the American Public Health Association.⁸

Responsibility of Undertakers.

Undertakers, or persons acting as undertakers, are responsible for obtaining and filing certificates of death with the registrar and securing from him a burial permit. The undertaker is required to obtain the personal and statistical information for the certificate from the person best qualified, and he must present the certificate to the attending physician for the medical certification as to the cause of death. He then must present the completed certificate to the registrar in order to secure a burial or removal permit. The undertaker must issue a duplicate burial permit to the sexton or person in charge of the place of burial before interring the body. The medical certificate shall be made and signed by the attending physician, if any, last in attendance on the deceased person. In the medical certificate the physician shall state the time he last saw the deceased person alive and the hour of the day at which death occurred. Statements as to cause of death and other facts required, must be in accordance with the rules and regulations of the State Registrar. Undertakers, attending physicians and registrars who fail to perform any of the duties outlined by this act are guilty of misdemeanors.⁹

In case of death occurring without medical attendance, it is the duty of the undertaker to notify the registrar of such death, and the registrar must then refer the case to the local health officer or coroner for immediate investigation and certification before issuing a burial permit.¹⁰

Sextons

No sexton, or person in charge of a cemetery, shall bury, or allow the burial of any body, unless the body is accompanied by a burial per-

6. Mont. S. L., 1907, ch. 25, sec. 3; Mont. R. C., 1935, sec. 2517.
7. Mont. S. L., 1907, ch. 25, sec. 4; Mont. R. C., 1935, sec. 2526.
8. Mont. S. L., 1907, ch. 25, sec. 6; Mont. R. C., 1935, sec. 2527.
9. Mont. S. L., 1907, ch. 25, sec. 7; Mont. R. C., 1935, sec. 2528.
10. Mont. S. L., 1907, ch. 25, sec. 8; Mont. R. C., 1935, sec. 2529.

DEATHS
(Legal Essay)

mit. The sexton, or person in charge, must endorse and date the permit with the date of the burial and return the permit to the local registrar within ten days after the burial. The sexton is required to keep a record of burials in which is stated the name of the deceased person, place of death, date of burial, and name and address of the undertaker. This record must be open at all times to public inspection.¹¹

Duties of State Registrar

It is the duty of the State Registrar to prepare, print and supply to all registrars the blanks and forms used in the registration, recording and preserving of returns. He must prepare and issue rules and regulations to effect a perfect system of registration. The original certificates sent to his office must be arranged, bound and preserved in a permanent and systematic manner, and a comprehensive and continuous card index system of all births and deaths registered must be maintained. Annually the State Registrar must certify to each county treasurer the number of births and deaths registered from his county, the names of the local registrars and the amounts due each one.¹²

Duties of Local Registrars

Local registrars and sub-registrars must supply blank forms of certificates to persons who require them. They must carefully examine each certificate presented for recording to ascertain if it complies with the provisions of the law and the instructions of the State Registrar. If any certificate of death is incomplete or unsatisfactory, it is the duty of the local registrar or sub-registrar to call attention to defects and withhold the issuance of the burial permit until the defects are corrected. If the death certificate is properly executed and complete, he shall issue a burial or removal permit to the undertaker. In cases where death occurs from a disease held by the State Board of Health to be infectious, contagious or communicable, and dangerous to the public health, the permit for burial or removal must be issued under the conditions prescribed by the State and local boards of health. The local registrar, or sub-registrar, must number the certificates in series, beginning with No. 1 for the first death in the calendar year and sign his name as registrar to attest the date of filing in his office. He is required to make complete and accurate copies of all certificates on forms identical with the originals, the copies to be filed and preserved in his office as the local record which must be kept in the manner directed by the State Registrar. On the fifth day of each month, he is required to transmit to the State Registrar all the original certificates filed with him during the preceding month. If no deaths occur in his district during any month, he must also report this fact to the State Registrar on the fifth day of the following month in such manner as the State Registrar may direct.¹³

11. Mont. S. L., 1907, ch. 25, sec. 10; Mont. R. C., 1935, sec. 2531.

12. Mont. S. L., ch. 25, sec. 11; Mont. S. L., 1935, sec. 2532.

13. Mont. S. L., 1907, ch. 25, sec. 12; Mont. R. C., 1935, sec. 2533.

Duplicate for Clerk and Recorder

STATE OF MONTANA
Bureau of Vital Statistics
Standard Certificate of Death

Do not write
 in this space

1. PLACE OF DEATH

County..... Registered No.....
 Township..... or Village.....
 City..... No..... St..... Ward.....
 (If death occurred in a hospital or institution, give its name (instead of street and number).)
 Length of residence in city or town where death occurred..... yrs..... mos..... days. How long to U. S. if of foreign birth?..... yrs..... mos..... days

2. FULL NAME

(a) Residence: No..... St..... Ward.....
 (Usual place of abode) (If nonresident give city or town and State)

PERSONAL AND STATISTICAL PARTICULARS

3. SEX..... 4. COLOR OR RACE..... 5. BORN.....
 (Usual place of abode) (If nonresident give city or town and State)
 6. If ever married, divorced, or widowed.....
 (for, WIFE of)

6. DATE OF BIRTH (month, day, and year)

7. AGE..... Years..... Months..... Days.....
 If less than 1 day..... hrs..... min.....

8. Trade, profession, or particular kind of work done, as engineer, lawyer, bookkeeper, etc.....
 9. Industry or business in which work was done, as silk mill, saw mill, bank, etc.....
 10. Date deceased last worked at this occupation (month and year)..... 11. Total time (years) spent in this occupation.....

12. BIRTHPLACE (city or town).....
 (State or country)

13. NAME.....

14. BIRTHPLACE (city or town).....
 (State or country)

15. MAIDEN NAME.....

16. BIRTHPLACE (city or town).....
 (State or country)

17. INFORMANT.....
 (Address)

18. BURIAL, CREMATION, OR REMOVAL.....
 Place..... Date.....

19. UNDERTAKER.....
 (Address)

20. FILED..... 10.....
 Registrar

MEDICAL CERTIFICATE OF DEATH

21. DATE OF DEATH (month, day, and year)..... 19.....

22. I HEREBY CERTIFY, That I attended deceased from..... to.....

I last saw him alive on....., 19....., death is held

to have occurred on the date stated above, at.....

The principal cause of death and related causes of importance in order of

causes were as follows:

.....

.....

.....

.....

Contributory causes of importance not related to principal cause:

.....

.....

Name of operation..... Date of.....

What test confirmed diagnosis?..... Was there an autopsy?.....

23. If death was due to external cause (violence) list also the following:

Accident, suicide, or homicide?..... Date of injury.....

Where did injury occur?..... (Specify city or town, county, and State)

Specify whether injury occurred in industry, in home, or in public place.

.....

.....

24. Was disease or injury in any way related to occupation of deceased?.....

If so, specify.....

(Signed)..... M. D.

(Address).....

MARGIN RESERVED FOR BINDING

V. R. 4-N-6M-3-35

N.B.—WRITE PLAINLY, WITH UNFADING INK—THIS IS A PERMANENT RECORD. Every item of information should be carefully supplied. AGE should be stated EXACTLY. PHYSICIANS should state CAUSE OF DEATH in plain terms, so that it may be properly classified. Exact statement of OCCUPATION is very important.

See instructions on back of certificate.

FEATHS
(Legal Essay)

Fees of Registrars

Each local registrar, or sub-registrar, is entitled to be paid the sum of twenty-five cents (25¢) for each death certificate completely and properly made out and filed with him. The fees are paid by the treasurer of the county on certification by the State Registrar.¹⁴

Filing with County Clerk

In 1919 the registration act was amended by a law which requires local registrars and sub-registrars to file duplicate returns with the county clerk of the county in which their districts are located. The county clerk is required to enter such returns in his register of deaths. This law required all local registrars and sub-registrars, within ninety days after passage and approval of the act, to prepare copies of all returns on file in their respective offices and send them to the county clerk of the county in which their districts are located. As a fee for preparing and sending copies of the returns to the county clerk, the local registrars and sub-registrars were to receive ten cents (10¢) for each recorded name copied and transmitted. The amount due for such service was to be paid by the county commissioners on presentation of a duly certified claim.¹⁵

Penalties

Attending physicians who refuse or neglect to make out the medical certificates of death required of them are guilty of misdemeanor, punishable on conviction by a fine of not less than ten dollars (\$10.00), nor more than fifty dollars (\$50.00), or by imprisonment in the county jail for not less than five (5) days nor more than twenty-five (25) days, or by both such fine and imprisonment, in the discretion of the court. If any physician wilfully and knowingly makes a false certificate as to cause of death, he is guilty of a misdemeanor punishable, on conviction, by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), or by imprisonment in the county jail for not less than twenty-five (25) days nor more than one hundred (100) days, or by both such fine and imprisonment. Any sexton, undertaker or other person who inter, removes or otherwise disposes of the body of a deceased person without the permit prescribed by law, is guilty of misdemeanor, punishable on conviction by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00). Failure, neglect or refusal of local registrars and sub-registrars to enforce the registration laws in their districts or to perform the duties imposed on them by law or by the regulations of the State Registrar, are misdemeanors, punishable on conviction by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00)¹⁶

14. Mont. S. L., 1907, ch. 25, sec. 13; Mont. R. C., 1935, sec. 2537.

15. Mont. S. L., 1919, ch. 66, secs. 1,2; Mont. R. C., 1935, secs. 2518, 2519.

16. Mont. S. L., 1907, ch. 25, sec. 17; Mont. R. C., 1935, sec. 2538.

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Enforcement

Local registrars and sub-registrars are responsible for the strict enforcement of the provisions of the registration laws in their districts. They are under the supervision of the State Registrar and are required to make immediate reports to him of any violations of the law coming to their attention. The State Registrar is charged with the efficient enforcement of the provisions of the registration law in all parts of the State to the end that all requirements shall be complied with uniformly. He has authority to investigate irregularities and violations of the law, either in person or by accredited representatives. When he deems it necessary, he must report the facts concerning violations of the law to the county attorney of the proper county for the institution of court proceedings against persons alleged to have violated the registration laws. Upon request of the State Registrar, the Attorney General is required to assist in the enforcement of the law.¹⁷

Certified Copies

The Montana State Board of Health's regulations has set a fee of one dollar (\$1.00) for a certified copy of any death record filed in the office of the State Bureau of Vital Statistics. For searching the records of the State Bureau of Vital Statistics at Helena, a fee of fifty cents (50¢) an hour, or fraction thereof, is charged.

By a law passed in 1919, the county clerk is required, on demand and payment of a fee of twenty-five cents (25¢), to furnish a certified copy of any record of death on file in his office.¹⁸

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17. Mont. S. L., 1907, ch. 25, sec. 16; Mont. R. C., 1935, sec. 2553.
18. Mont. S. L., 1919, ch. 68, sec. 3; Mont. R. C., 1935, sec. 2524.

D I V O R C E S

Laws Concerning Divorces and Annulments

Jurisdiction

The legislature of 1872 passed an act, which was amended in 1876, giving the district court, as a court of chancery (equity), jurisdiction in all cases of divorce and alimony.¹ The Constitution of 1889 affirmed this statutory legislation by providing original jurisdiction for the district court in all cases at law and in equity, including actions of divorce and for annulment of marriage. The constitutional provisions were later re-enacted by statute.²

Custody of Records

Clerks of the district courts of the respective counties are custodians of all district court records, including divorce case papers and decrees.³

The following filing fees are required in divorce actions: Plaintiff, five dollars (\$5.00) at commencement of action; defendant, on filing appearance, two dollars and fifty cents (\$2.50); decree in favor of plaintiff, two dollars and fifty cents (\$2.50); decree in favor of defendant, five dollars (\$5.00).⁴

No State Registration

No legal provision has been made in Montana for central registration or recording of divorces by the State.

Dissolution of Marriage

In Montana, marriages may be dissolved only by the death of one of the parties, or by a judgment of a court of competent jurisdiction.⁵

The effect of a judgment of divorce is to restore the parties to the state of unmarried persons.⁶

Absolute divorce, separations, and decrees for separate maintenance may be granted for the following causes: Adultery, extreme cruelty; wilful desertion; wilful neglect; habitual intemperance, and conviction of felony.⁷ In Montana separation by consent, with or without the understanding that one of the parties will apply for divorce, does not constitute desertion.⁸ Wilful neglect, wilful desertion and habitual intemperance must

1. Mont. Compiled Stat., 1887, 5th div., sec. 1000.

2. Const., 1889, Art. VII, sec. 11; Mont. Civ. C., 1895, sec. 41; Mont. R. C., 1935, sec. 602.

3. Mont. Civ. C., 1895, sec. 409; Mont. R. C., 1935, sec. 4013.

4. Mont. Civ. C., 1895, sec. 410; Mont. R. C., 1935, sec. 4014.

5. Mont. Civ. C., 1895, sec. 100; Mont. R. C., 1935, sec. 5734.

6. Mont. Civ. C., 1895, sec. 130; Mont. R. C., 1935, sec. 5734.

7. Mont. Ter. E. L., 1894-5, pp. 430, 431; Mont. Civ. C., 1895, sec. 132; Mont. R. C., 1935, sec. 5736.

8. Mont. Civ. C., 1935, sec. 137; Mont. R. C., 1935, sec. 5741.

DIVORCES
(Legal Essay)

continue for one year before becoming grounds for divorce.⁹

Divorces may be denied on a proper showing that there has been connivance, collusion, condonation or recrimination.¹⁰ Collusion is where there is an agreement between husband and wife that one of them shall commit, or appear to have committed, or be falsely represented in court as having committed, acts constituting grounds for divorce.¹¹ Condonation is the conditional forgiveness of a matrimonial offense constituting a ground for divorce.¹² Recrimination is a showing by the defendant of any cause of divorce against the plaintiff in bar of the plaintiff's cause of divorce.¹³

Condonation is revoked and the original cause for divorce revived when the offending party commits similar or other causes for divorce, or when the offending party is guilty of great conjugal unkindness not amounting to grounds for divorce, but sufficiently habitual and gross to show that the conditions of condonation have not been accepted in good faith, or have not been fulfilled.¹⁴

In Montana divorces must be denied under the following conditions:

1. When the cause is adultery and the action is not commenced within two (2) years after discovery by the injured party.
2. When the cause is conviction of felony and the action is not started before the expiration of two years from the date of judgment and sentence.
3. In all cases where there is an unreasonable lapse of time before the commencement of the action.¹⁵

Unreasonable length of time is such delay as establishes the presumption that there has been connivance or collusion, condonation of the offense, or full acquiescence in the same with the intent of continuing the marriage relation, notwithstanding such offense.¹⁶ The presumption may be rebutted by showing reasonable grounds for the delay in commencing the action.¹⁷

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9. Mont. Civ. C., 1895, sec. 145; Mont. R. C., 1935, sec. 5749.
 10. Mont. Civ. C., 1895, sec. 161; Mont. R. C., 1935, sec. 5751.
 11. Mont. Ter. S. L., 1864-5, p. 430, sec. 4; Mont. Civ. C., 1895, sec. 151; Mont. R. C., 1935, sec. 5752.
 12. Mont. Civ. C., 1895, sec. 162; Mont. R. C., 1935, sec. 5753.
 13. Mont. Civ. C., 1895, sec. 170; Mont. R. C., 1935, sec. 5750.
 14. Mont. Civ. C., 1895, sec. 1895; Mont. R. C., 1935, sec. 5759.
 15. Mont. Civ. C., 1895, sec. 172; Mont. R. C., 1935, sec. 5752.
 16. Mont. Civ. C., 1895, sec. 173; Mont. R. C., 1935, sec. 5753.
 17. Mont. Civ. C., 1895, sec. 174; Mont. R. C., 1935, sec. 5754.

DIVORCES
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A divorce may not be granted in Montana unless the plaintiff has been a resident of the State for one year next preceding the date of the commencement of the action.¹⁸

No divorce can be granted in Montana upon the default of the defendant alone, but must be heard in open court and the court must require proof of all facts alleged.¹⁹ Though judgment of divorce may be denied, the court, in its discretion, may provide for the maintenance of the wife and her children by the husband.²⁰

Alimony

When an action for divorce is pending, the court, in its discretion, may require the husband to pay as alimony amounts necessary to enable the wife to support herself, or her children, and to prosecute the action. When the husband willfully deserts the wife, she may, without applying for a divorce, maintain an action in the district court against him for permanent support of herself, or herself and her children. Execution for collection of alimony payments may be issued in the discretion of the court. The final judgment in a divorce action may be enforced by such orders as the court from time to time may deem necessary, and such orders may be varied, altered or revoked at the court's discretion.²¹

Before or after final judgment in a divorce action, the court may give such direction as may seem necessary for the custody, care and education of the children of the marriage and may at any time vacate or modify such orders.²²

Where a divorce is granted on an offense of the husband, the court may compel him to provide for the support of the children of the marriage, and also of the wife during her life, or for such a shorter period as the court may consider just. The court may from time to time modify such orders. Upon proof of the remarriage of a divorced wife after final judgment of divorce, the court may modify the judgment by annulling the provisions directing payment of money for the support of the wife.²³

To insure the payment of alimony, the court may require the husband to give reasonable security, and may enforce such payments by the appointment of a receiver for the husband's property.²⁴ If the wife has a separate

18. Mont. Civ. C., 1895, sec. 173; Mont. R. C., 1935, sec. 5763.

19. Mont. Civ. C., 1895, sec. 177; Mont. R. C., 1935, sec. 5767.

20. Mont. Civ. C., 1895, sec. 1901; Mont. R. C., 1935, sec. 5768.

21. Mont. Civ. C., 1895, sec. 184, 1864-5, p. 431, sec. 6; Mont. Civ. C., 1895,

sec. 181; Mont. R. C., 1935, sec. 5769.

22. Mont. Bar. C. R., 1864-5, p. 431, sec. 6; Mont. Civ. C., 1895,
sec. 182; Mont. R. C., 1935, sec. 5770.

23. Mont. Civ. C., 1895, sec. 193; Mont. R. C., 1935, sec. 5771.

24. Mont. Civ. C., 1895, sec. 194; Mont. R. C., 1935, sec. 5772.

DIVORCES
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estate sufficient to give her adequate support, the court, in its discretion, may withhold any allowance to her out of the property of the husband.²⁵ The property of the husband and wife may be made subject to the support and education of the children, in such proportions as the court may deem just, or the property of the guilty party may be subjected to pay for such support.²⁶

Where a divorce is granted because of the adultery of the wife, the legitimacy of children born before the commission of the offense is not affected, but the legitimacy of other children of the wife may be determined by the court upon the evidence in the case. In such cases all children born before the commencement of the action are presumed to be legitimate until the contrary is shown.²⁷

In case of the dissolution of a marriage by the judgment of a court of competent jurisdiction, the homestead, if selected from the separate property of either the wife or husband, shall be assigned to the former owner, subject to the power of the court to assign it for a limited period to the innocent party.²⁸

Any woman suing for divorce, who shall make it appear to the court that she is poor and unable to pay the expenses of such a suit, may be allowed by the court, to prosecute her suit without costs.²⁹

No order for alimony shall be made in cases where both parties have made appearances until notice of the time and place of hearing has been served upon the opposite party. In cases where the opposite party has not appeared, the notice shall be served upon the clerk of the court in which the action is pending.³⁰

Annulment.

In Montana marriages may be annulled for any of the following causes:

1. When the party in whose behalf annulment is sought was under the age of legal consent and such marriage was contracted without the consent of his or her parents or guardian, providing such person after reaching the age of consent has not freely cohabited with the other as husband or wife.
2. When the former husband or wife of either party was living and the former marriage was then in force.

25. Mont. Civ. C., 1935, sec. 195; Mont. R. C., 1935, sec. 5775.
26. Mont. Civ. C., 1935, sec. 196; Mont. R. C., 1935, sec. 5774.
27. Mont. Civ. C., 1935, sec. 198; Mont. R. C., 1935, sec. 5773.
28. Mont. Civ. C., 1935, sec. 199; Mont. R. C., 1935, sec. 5777.
29. Mont. Civ. C., 1935, sec. 202; Mont. R. C., 1935, sec. 5780.
30. Mont. Civ. C., 1935, sec. 203; Mont. R. C., 1935, sec. 5781.

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3. When either party was of unsound mind, unless such party, after regaining reason, freely cohabited with the other as man and wife.
4. Where the consent of either party was obtained by fraud, unless after the fraud was discovered, free cohabitation was continued.
5. When the consent of either party was obtained by force, unless cohabitation afterwards was freely continued.
6. When either party at the time of marriage was physically incapable of marriage, and when such incapacity continued and appears to be incurable.³¹

When marriages are annulled on the ground that a former wife or husband is living, and it is adjudged that the subsequent marriage was contracted in good faith and full belief that the former husband or wife was dead, or when the marriage is annulled on the ground of insanity, the children born before the judgment must be specified in the judgment and are legitimate and entitled to succeed to the estates of both parents.³²

Custody of children of marriages annulled on the ground of fraud or force, must be awarded to the innocent party, and provision for their education and maintenance may be made out of the property of the guilty party.³³

A certified copy of a divorce decree, decree of annulment or of any court order issued in a divorce action costs fifty cents (50¢) for the certificate and seal of the clerk of the court, and fifteen cents (15¢) additional for each folio of one hundred (100) words or fraction thereof.³⁴

31. Mont. Civ. C., sec. 110; Mont. R. C., 1935, sec. 5729.

32. Mont. Civ. C., 1895, sec. 112; Mont. R. C., 1935, sec. 5731.

33. Mont. Civ. C., 1895, sec. 113; Mont. R. C., 1935, sec. 5732.

34. Mont. Pol. C., 1895, sec. 4836; Mont. R. C., 1935, sec. 4918.

The Historical Records Survey program was undertaken in the winter of 1933-34 for the purpose of providing useful employment to needy unemployed historians, lawyers, teachers, and research and clerical workers. In carrying out this objective, the project was organized to compile inventories of historical materials, particularly the unpublished government documents and records which are basic in the administration of local government, and which provide invaluable data for students of political, economic, and social history. Up to the present time approximately 1,350 publications have been issued by the Survey throughout the nation.

The Guide to Public Vital Statistics in Montana presented herewith has been compiled and published for use in conjunction with the work of the Vital Statistics Division of the Bureau of the Census and the National Defense Program as well as for public officials, research workers, and individuals generally.

Following is a list of Historical Records Survey publications in Montana:

Inventories of County Archives

- ✓ No. 1. Beaverhead (v, 203 pp., mimeo., November 1939)
- ✓ *No. 15. Flathead
- ✓ *No. 24. Lake
- ✓ *No. 27. Lincoln
- ✓ No. 28. Madison (vii, 208 pp., mimeo., May 1940)
- ✓ *No. 31. Mineral
- ✓ No. 32. Missoula (v, 190 pp., mimeo., September 1938)
- ✓ *No. 41. Ravalli
- ✓ *No. 45. Sanders
- ✓ No. 47. Silver Bow (v, 231 pp., mimeo., July 1939)
- ✓ No. 51. Toole (v, 123 pp., mimeo., October 1938)

Inventories of Federal Archives

- The Department of Agriculture (v, 150 pp., mimeo., July 1939)
- The Department of Commerce (iv, 5 pp., mimeo., July 1939)
- The Farm Credit Administration (iv, 7 pp., mimeo., July 1939)
- The Federal Courts (vi, 25 pp., mimeo., December 1940)
- The Veterans' Administration (iii, 20 pp., mimeo., July 1940)

Inventories of Religious Bodies

- *A Directory of Churches and Religious Organizations in Montana, 1941

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